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Preface, Third Edition

We are grateful for the opportunity to revise and update the terms within this book, 10 years after the last edition. Because of the personal liberty interest involved in any criminal prosecution, it is imperative that defendants understand the process and the system in which they are called to answer, and perhaps answer for, an accusation of criminal wrongdoing brought against them. Non-English speakers, in particular, perhaps more familiar with the legal system set in another country, should understand that they have the right to be present and to participate in every stage of the criminal proceeding, including to develop and present an effective and complete defense. In order to do so, they have to know what the steps are, and what “criminal complaint,” “information,” “bail,” “arraignment” and “jury trial” mean, and the standards of proof that apply at each phase. For defendants who could be subject to removal from the country as a result of illegal activity, we have updated basic references to defenses within immigration law.

So, this book of terms is a description of the fundamental steps in the criminal process, largely in chronological order. The language we use, both in English and in Spanish, is intended to be straightforward, legally correct, reflecting language commonly used in Wisconsin courts, and above all, to be understandable to a nonprofessional. Ronald Benavides drafted the terms in English; Luis Cuevas in Spanish – but the Spanish is not necessarily a literal translation of the English. The intent is for the terms to be understood in plain language. We both reviewed, commented on, agreed on, and are responsible for the final language in each section.

We hope that attorneys, translators and any interested person would find these terms useful. Even attorneys working directly with a translator would find it interesting and informative, we believe, to follow the concepts being used by a court interpreter to explain a particular matter to a Spanish speaker.

We would like to thank Attorney-Editor Rita Knauss for her encouragement and tireless help and guidance over many, many hours, in getting this revised edition through to press. We would also like to thank Attorney Aissa Olivarez for her general review of the book and Attorney Davorin Odrčić for his suggestions and comments in the immigration law section. We have incorporated many of them.

Finally, we acknowledge the thousands of Spanish-speaking defendants we have represented over the years, for allowing us to observe first-hand the issues involved in a non-English speaker coming to understand unfamiliar and difficult concepts. We hope this revised edition helps future defendants, by communicating terms effectively in Spanish, making the criminal process a little less bewildering.

Prefacio, Tercera Edición

Estamos agradecidos por la oportunidad de revisar y actualizar los términos en este libro, 10 años después de la última edición. Debido a la libertad de interés personal involucrada en cualquier proceso penal, es imperativo que los acusados entiendan el proceso y el sistema en el que están llamados a responder, y tal vez respondan, a una acusación criminal en su contra. Los hablantes que no hablan inglés, en particular, quizás más familiarizados con el sistema legal establecido en otro país, deben comprender que tienen el derecho de estar presente y participar en cada [parte del] proceso penal, incluido el desarrollo y la presentación de una defensa efectiva y completa. Para poder hacerlo, deben saber qué pasos son, y qué significan la “queja criminal,” “la información,” “la fianza,” “la lectura de cargos,” y “el juicio con jurado,” y los estándares de prueba que se aplican en cada fase. Para los acusados

que podrían ser expulsados del país como resultado de una actividad ilegal, hemos actualizado las referencias básicas a las defensas dentro de la ley de inmigración.

Entonces, este libro de términos es una descripción de los pasos fundamentales en el proceso criminal, en gran parte en orden cronológico. El idioma que utilizamos, tanto en inglés como español, pretende ser estrecho, legalmente correcto, reflejando el lenguaje comúnmente utilizado en los tribunales de Wisconsin, y, sobre todo, ser comprensible para una persona que no es profesional. Ronald Benavides redactó los términos en inglés; Luis Cuevas en español, pero el español no es necesariamente una traducción literal del inglés. La intención es que los términos se entiendan en un lenguaje sencillo. Ambos revisamos, comentamos, nos pusimos de acuerdo, y somos responsables del lenguaje final en cada sección.

Esperamos que los abogados, traductores, y personas interesadas encuentren útiles estos términos. Incluso los abogados que trabajan directamente con un traductor encontrarán que es interesante e informativo, creemos, seguir los conceptos utilizados por un intérprete judicial para explicar un asunto particular a un hablante de español.

Nos gustaría agradecer a la editora Rita Knauss, por su aliento y su incansable ayuda y orientación durante muchas, muchas horas, para que esta edición revisada se imprimiera. Nos gustaría agradecer a la Abogada Aissa Olivarez por su repaso general del libro, y al Abogado Davorin Odrčić, por sus sugerencias y comentarios en la sección de leyes de inmigración. Hemos incorporado muchos de ellos.

Finalmente, quisiéramos agradecer a los miles de acusados de habla hispana que hemos representado a lo largo de los años, por permitirnos observar de primera mano los problemas involucrados en un hablante que no habla inglés que llega a comprender conceptos desconocidos y difíciles. Esperamos que esta edición revisada ayude a los demandados presentes y futuros, al comunicar términos efectivamente en español, haciendo que el proceso penal sea menos desconcertante.

Foreword

When Pat Morgan, then the State Bar of Wisconsin's Committee Project Coordinator, approached us years ago with a phone message, we were immediately intrigued. The message indicated that two attorneys practicing in Madison had written a Spanish glossary of criminal-law terms that they were interested in sharing with the State Bar. Our first impression, beyond intrigue, was that there must be something like this already out there, but we'd check it out, nonetheless. We began making some phone calls to those in the know and were very surprised to learn that no attorneys or court personnel with whom we spoke were aware of a comparable resource.

Recognizing a real need for Wisconsin's attorneys and their clients, we were eager to pursue this project. In our very first meeting with Atty. Ronald Benavides, coauthor of the glossary, we spoke at length about what their intent as authors was and what motivated them to write, and we were inspired to learn that their main motivation in creating this resource was, very simply, "to contribute."

And contribute they have. The State Bar of Wisconsin is very pleased to be publishing *Critical Terms in Criminal Proceedings in English and in Spanish/Terminologías Esenciales en el Proceso Criminal en Inglés y en Español*, the first book of its kind written for the Wisconsin legal community. We believe this book will be a valuable resource for any attorney, interpreter, or Spanish speaker involved in the criminal process.

State Bar of Wisconsin Professional Development Department proudly announces that the first edition of this pocket-sized Spanish-English reference work, *Critical Terms in Criminal Proceedings in English and in Spanish*, won an Association for Continuing Legal Education (ACLEA) 2004 Outstanding Achievement award. ACLEA, an international organization for CLE professionals and their organizations, annually gives out "ACLEA's Best" awards in four categories: publications, programs, marketing, and public interest activities. *Critical Terms* won in the public interest category.

On behalf of the State Bar, we wish to thank the authors, Attys. Ron Benavides and Luis Cuevas. We are deeply indebted to them for so generously contributing their time and expertise in writing and revising the manuscript for publication.

One of the special challenges involved with publishing this work was the simple fact that the substance of it is written in Spanish. The State Bar of Wisconsin prides itself on the quality of its publications, and as a publisher of materials that until now have only appeared in English, we were very concerned about maintaining the quality and integrity of the Spanish writing. To this end, we sought the help of volunteer reviewers who were willing to lend their linguistic and legal expertise to further this project.

Thus, we also want to thank the following people who reviewed the original manuscript: Atty. Francisco Araiza (Assistant State Public Defender), Brenda Bartholomew (court interpreter), and Atty. John Nowell (Catholic Charities) and his attorney-students in Mexico: Rodolfo Alcacio Trujillo, Omar Ignacio Alenjandri Rodriguez, Liz Alejandra Esparza Frausto, Francisco de Jesus Garcia Leon, Ruben Alejandro García Peña, Domingo Alberto Méndez Martínez, Salvador Oyanguren Guedea, Juan Carlos Peña Garcia, Ramón de Jesús Rodríguez Sánchez, and Maria Soledad de los Angeles Valdes Aguilar. Attorney Aissa Olivarez also provided helpful feedback in reviewing the third edition of the book. The finished product benefitted from their thoughtful comments and suggestions.

We owe additional thanks to Atty. Marcia Vandercook of the Director of State Court's Office for her guidance on how to improve this book and her permission to include the court's materials in some of this book's appendices.

Finally, we'd like to acknowledge the members of the State Bar staff who worked on the book. Thanks are due to Attorney Editor Rita Knauss for editing the manuscript, to Lead Production Coordinator Jackie Johnson for formatting the final draft for publication, and to Ben Oehmen for designing the cover.

KRISTIN HUOTARI, ESQ.
DIRECTOR OF PROFESSIONAL DEVELOPMENT
STATE BAR OF WISCONSIN

About the Authors

[Ronald Gabriel Benavides](#) has been practicing criminal defense for 25 years—22 in private practice—defending clients in state and federal courts. Since 2015, he has worked as an Assistant State Public Defender, based in Portage, Wisconsin, part of the Madison Trial Region. He holds a Ph.D. in Medieval English Language and Literature from the University of Wisconsin–Madison (1989) and a J.D. from the University of Wisconsin Law School (1993). Ronald has represented hundreds of Spanish-speaking defendants in criminal cases, as well as dozens of Spanish-speaking and English-speaking clients at jury trial, in cases running the full gamut of criminal offenses—from misdemeanor drunk driving to conspiracy to manufacture and deliver drugs, and from strangulation to sexual assault and homicide.

[Luis C. Cuevas](#) was born and raised in the Republic of Panama. He is an Assistant State Public Defender in the Adult Trial Division, handling an array of cases representing English- and Spanish-speaking clients. Attorney Cuevas received his B.B.A. in Economics from the University of Wisconsin–Eau Claire in 1987, and his J.D. from the University of Wisconsin Law School in 1992.

How To Use This Book

This book is a practical guide for attorneys, interpreters, and clients. It describes 127 critical terms in criminal proceedings in chronological order, as they typically occur during the criminal process. The book contains two sets of descriptions of each term; the first describes the terms in Spanish, and the second describes them in English.

The user has multiple ways to locate terms in this book. For the user's convenience, a table of contents precedes the lists of terms. The terms bolded throughout the definitions are defined elsewhere in the book. There is also an index at the back of the book, one in Spanish and one in English, to help the user locate terms.

In addition to the terms, the book also contains related material in the appendices.

- Appendix A is the mandatory court form for requesting a court interpreter.
- Appendix B contains the code of ethics for court interpreters.
- Appendix C contains Wisconsin statutes related to court interpreters.
- Appendix D describes Wisconsin's court interpreter training and certification program.
- Appendix E is a list of related websites.
- Appendix F is a list of community resources (legal and general resources for the Hispanic community).
- Appendix G contains court forms that have been translated into Spanish and a related Wisconsin Supreme Court rule.

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Critical Terms in Criminal Proceedings

Terminologías Esenciales en el Proceso Criminal

1. *Constitutional Right to Due Process of Law*
Derecho Constitucional del Debido Proceso de la Ley

Every accused is guaranteed the right to due process under the Constitution. A **defendant** has the right to notice with an unambiguous description of the alleged violation of law, the right to answer the allegations, and the **right to mount a complete defense**.

Todo **acusado** es garantizado el derecho al debido proceso bajo la Constitución. Todo **acusado** tiene el derecho de ser notificado con una descripción clara de la ley que se alega que fue infringida, el derecho de responder a las alegaciones, y el **derecho de presentar una defensa completa**.

2. *Arrest*
El Arresto

The seizure by law enforcement of the person of an individual suspected or accused of having committed a crime.

El apresamiento por las autoridades legales de un individuo el cual se sospecha o que ha sido acusado de haber cometido un crimen.

3. *Summons*
Citatoria

The **defendant** can be summoned into court, meaning that he receives or is served with a notice or demand to appear. In a criminal case, the **defendant** is required to appear. At the initial appearance in a **misdemeanor** case, he or she can authorize his or her attorney to appear on his behalf. At the initial appearance, the **defendant** is apprised of the nature of the charges, and generally has the opportunity to address conditions of bond or release.

El demandado/**acusado** puede ser citado a la corte. Esto significa que él /ella recibe o es servido con una demanda u orden de **citación** para que se presente. En un caso criminal, es requerido que el **acusado** aparezca/se presente en la corte. En la aparición inicial, en caso de **delito menor**, él/ella puede autorizar a su abogado para presentarse por él/ella. En la aparición inicial, el **acusado** es informado de la naturaleza de los cargos o la acusación, y generalmente tiene la oportunidad de hablar sobre las condiciones de fianza o liberación.

4. *Criminal Complaint*
Demanda Criminal

The instrument setting out the charges or allegations brought against the **defendant**, with reference to the statute violated and the maximum penalties. The criminal complaint has a **probable cause** section that lays out the essential facts underlying the charge.

El documento que informa al **acusado** sobre los cargos, las alegaciones relatadas, y las penalidades máximas contra él/ella. Da referencia al código o estatuto penal bajo el cual se trae la alegación. La demanda criminal tiene una sección la cual da detalles de la causa probable enseñando los hechos o factores bajo los cuales se trae o basa la acusación.

5. *Probable Cause*
Causa Probable

A reasonable belief or finding that a person has committed a crime.
Evidencia razonable de que una persona probablemente ha cometido un crimen.

6. *Felony*
Delito Mayor

A crime that carries a possible punishment of more than one year in prison.

Delito que lleva la posibilidad de castigo de un año o más en la prisión.

7. *Misdemeanor*
Delito Menor

A crime that carries a possible punishment of less than one year in jail.

Delito que lleva la posibilidad de castigo de menos de un año en la cárcel.

8. *Party to a Crime*
Cómplice de un Crimen

Someone who takes part in or contributes to the commission of a crime with another person.

Alguien que toma parte en, o contribuye en, la comisión de un crimen con otra persona.

9. *Dismissal of the Complaint*
Absolución de la Demanda

10. *Dismissal Without Prejudice*
Absolución sin Pérdida del Derecho a un Nuevo Juicio

The case is dismissed, but charges can be refiled.

El caso es echado. Se puede traer el caso de nuevo.

11. *Dismissal with Prejudice*
Absolución con Pérdida del Derecho a un Nuevo Juicio

The case is dismissed, but charges cannot be refiled.

El caso es echado. No se puede traer el caso de nuevo.

12. *Bail Hearing*
Audiencia de Fianza

The hearing in which the judge determines the conditions that the **defendant** who is being released must follow during the pendency of the case, and whether she can be released under her own recognizance (a **signature bond**), or with a cash bond. If the prosecutor requests cash, the **defendant** has the opportunity to be heard on the amount of cash she can afford.

La audiencia en la cual el juez determina las condiciones que el **acusado** dejado en libertad tiene que seguir mientras el caso está pendiente, si se le deja salir de la cárcel bajo su propia firma o pago de dinero. Si el fiscal pide que el **acusado**/la acusada pague dinero para salir de la cárcel, él/ ella tiene la oportunidad de ser escuchado sobre la cantidad que puede pagar.

13. *Conditions of Release*
Condiciones de Libertad

The orders the **defendant** must comply with during the pendency of the case. The judge is required to impose conditions not more restrictive than necessary to insure the **defendant's** presence.

Las órdenes que el **acusado** debe de seguir durante el tiempo que el caso está pendiente. Es requerido que el juez imponga condiciones de libertad no más de las necesarias para asegurar que el **acusado** se presente a las cortes.

14. *Fingerprints*
Huellas Digitales

Process in which the print of the **defendant's** fingers and hand is taken, for identification.

Proceso en el cual se toma la impresión de los dedos y la mano del **acusado** con el propósito de identificación.

15. *Signature Bond*
Fianza con Firma

A condition of release by which the **defendant** signs an order issued by the court, acknowledging that he has received, has reviewed, and understands the requirements of the bond under which he is released from **detention pending trial**.

Una condición de libertad en la cual el **acusado** firma una orden del juez la cual el **acusado** reconoce que ha recibido, ha revisado, y entiende los requisitos de la fianza en la cual se le deja en libertad durante la duración del caso.

16. *Cash Bail*
Fianza en Efectivo (Pago de Dinero)

A condition of release by which the **defendant** is required to post money securing or insuring his return to court. If he does not return to court or violates another condition of the bond, the money posted can be forfeited.

Una condición de libertad la cual es requerido que el **acusado** pague un dinero para asegurar su regreso a la corte. Si no regresa a la corte o no cumple con las condiciones de la fianza o libertad, puede perder el dinero pagado o se le puede decomisar el dinero que pagó para salir de la cárcel.

17. *Detention Pending Trial*
Detención Durante la Pendencia/Duración del Caso/Juicio

In a criminal case in which the judge determines that no **conditions of release** can insure the return of the **defendant** to court, or in which a very high cash bond is imposed that the **defendant** is unable to meet, the **defendant** can be detained throughout the pendency of the case.

En un caso criminal en el que el juez determina que ninguna condición de libertad puede garantizar que el **acusado** va a presentarse a la corte, o en la que **fianza en efectivo** es impuesta en una suma muy alta y que el **acusado** no puede pagar la cantidad impuesta, el **acusado** puede estar en la cárcel durante la pendencia/duración del caso.

18. *Information*
Información

The instrument laying out the charges brought against a **defendant** in a **felony** case, including the statute or law violated and the maximum penalty. The information is sworn to by a law enforcement officer or other official.

El documento que enseña los cargos contra el **acusado** en un caso de **delito mayor**, incluyendo el código penal o estatuto que ha sido infringido, y las penalidades máximas. El contenido de la información es hecho **bajo juramento** de un oficial de la policía u otro oficial.

19. *Indictment*
Acusación Formal

The legal instrument that summarizes in writing the essential details underlying a **felony** charge or charges, including the maximum penalty and the statute violated, issued upon a finding of probable cause by a grand jury, following the sworn testimony of **witnesses** called by the prosecutor.

El instrumento legal que recopila bajo escrito los detalles esenciales de un cargo o cargos de **delito mayor**, incluyendo la penalidad máxima, el estatuto o código violado el cual se emitió cuando se encontró causa probable por un gran jurado después que han oído el testimonio **bajo juramento** de los **testigos** presentados por el fiscal.

20. *Preliminary Hearing*
Audiencia Preliminar

Hearing in a **felony** case in which the government has to show that there is enough proof to support the charges and send the **defendant** to trial.

Audiencia en caso de **delito mayor** en la cual el gobierno tiene que demostrar que hay suficientes pruebas para mantener los cargos y mandar al **acusado** a juicio.

21. *Standard of Proof*
Nivel de Prueba

The level of proof that must be reached for a decision to be made.

El nivel de prueba el cual se debe llegar para que se haga una decisión.

22. *Standard of Proof at a Preliminary Hearing*
Nivel de Prueba en la Audiencia Preliminar

This standard is low. The government only has to show that there is a possibility that a **felony** was committed and that there is a plausible possibility that the **defendant** was the one who committed it.

Bajo. El gobierno solo tiene que demostrar que hay una posibilidad que un **delito mayor** fue cometido y que hay una posibilidad creíble que el **acusado** fue él que lo cometió.

23. *Hearsay is Admissible in the Preliminary Hearing*
Testimonio de Oídas es Admisible en la Audiencia Preliminar

Proof or testimony by **hearsay** is admissible in this hearing. The accuser does not have to be present.

Prueba o **testimonio de oídas** es admisible en esta audiencia. El acusador no tiene que estar presente en esta audiencia.

24. *Hearsay Evidence*
Testimonio de Oídas

Testimony based on statements reported to the testifying **witness** but not observed by him. Such testimony is generally excluded. Incriminating statements by the **defendant** are not considered hearsay.

Testimonio basado en relatos reportados al **testigo** pero no observados por él/ella. Este testimonio es generalmente excluido. Relatos incriminatorios del **acusado** no son considerados testimonios de oídas.

25. *Waiver of Preliminary Hearing*
Renunciación al Derecho de Tener una Audiencia Preliminar

Defendants can waive the **preliminary hearing**, if they do not want (further) evidence to appear on the record, and if they prefer to begin negotiations with the district attorney to resolve the case or to put into play a specific strategy in the case.

Los **acusados** pueden renunciar a la **audiencia preliminar**, si no quieren que la evidencia se muestre en la corte, y si prefieren comenzar negociaciones con el fiscal con el fin de resolver el caso o para efectuar razones tácticas del caso.

26. *Arraignment*
Lectura de Acusación Formal/Instrucción de Cargos

The hearing in which the **defendant** is formally accused of the crime alleged in the **information** or **indictment**, and wherein he answers the charges with a **plea of guilty, not guilty, or no contest**.

La audiencia en la cual el demandado/**acusado** es formalmente notificado de los delitos alegados en la información o acusación formal, y en el que responde a los cargos con una **declaración de culpable, no culpable, o no me opongo**.

27. *Sentencing Enhancer*
Acrescentamiento de la Sentencia

A factor attaching to a criminal charge that elevates the potential punishment following conviction.

Un factor que está enlazado al cargo criminal el cual eleva/sube el posible castigo después de la convicción o fallo de culpabilidad.

28. *Second or Subsequent Offense*
Segunda o Subsiguiente Ofensa

An example of a **sentencing enhancer**. If the **defendant** is accused of committing a crime for a second or subsequent time, the punishment can be greater than if it were only committed once.

Un ejemplo de **acrecentamiento o aumento de la sentencia** o castigo. Si el **acusado** ha sido acusado de cometer un crimen por segunda o subsiguiente vez, el castigo puede ser más que si hubiera cometido una ofensa por primera vez.

29. *Domestic Abuse Enhancer*
Acrecentamiento por Relación Doméstica

An example of a **sentencing enhancer** arising from having been or being in a domestic relationship. If the **defendant** commits a crime against a person with whom he is related, lives, or has lived, the punishment can be made greater than if the crime were not domestic.

Un ejemplo de **acrecentamiento o aumento de la sentencia** o castigo que surge por haber estado o estar en una relación doméstica. Si el **acusado** comete un crimen/delito contra la persona con quien está relacionada, vive, o ha vivido, el castigo o sentencia será mucho más que si no estuviera o estuvo en esta relación doméstica.

30. *Repeater*
Repetidor

An example of a **sentencing enhancer**. If the **defendant** has been convicted of three **misdemeanor** crimes or a **felony** within five years of the new charge, the punishment in the present case can be made greater.

Un ejemplo de **acrecentamiento o aumento de la sentencia** o castigo. Si el **acusado** ha sido encontrado culpable de tres **delitos menores** en un período dentro de cinco años del nuevo cargo o un **delito mayor** dentro de este período de tiempo, el castigo en este nuevo cargo puede ser aumentado.

31. *Right to Substitution of Judge*
Derecho a Sustituir al Juez

The **defendant** has the right to request a substitution of judge. The demand must be made within a specified time frame and is not automatic.

El **acusado** tiene el derecho a sustituir al juez en su caso. Esta **petición** debe de hacerse dentro de un período de tiempo y no es automática.

32. *Right to Demand a Speedy Trial*
Derecho a Exigir un Juicio Rápido

The **defendant** in every case, especially the person in custody, can demand a speedy trial. The demand requires the court to schedule the case for trial within 120 days for a **misdemeanor** case, 90 for a **felony**.

El **acusado** en cada caso, especialmente la persona bajo custodia/en la cárcel, puede exigir un juicio rápido. Este exigimiento requiere que la corte planifique el juicio dentro de 120 días de la **petición** en caso de un cargo de **delito menor**, y entre 90 días si es **delito mayor**.

33. *Court Trial*
Juicio en Frente del Juez

The **defendant** has the constitutional right to waive a trial before a **jury** of his peers, and be confronted by his accusers and challenge the government's case before the presiding judge.

El **acusado** tiene el derecho constitucional de abandonar/renunciar un juicio en frente de un **jurado** de sus iguales y confrontar a sus acusadores y desafiar el caso del gobierno en frente del juez que preside el caso.

34. *Jury Trial* **Juicio con Jurado**

The **defendant** has the constitutional right to be confronted by his accusers and to challenge the government's case before a **jury** of his peers.

El **acusado** tiene el derecho constitucional de confrontar a sus acusadores y de desafiar el caso del gobierno en frente de un **jurado** de sus iguales.

35. *Right to Be Present at Critical Phases* **Derecho a Estar Presente en las Fases Críticas o Importantes**

The **defendant** has the right to be and shall be present at each critical phase of the criminal proceeding brought against him or her, including at the **arraignment**, the trial, **jury selection**, any evidentiary hearing, at any view by the **jury**, the **jury verdict**, the pronouncement of judgment, and the imposition of sentence.

El **acusado** tiene el derecho de estar presente en cada fase crítica del procedimiento criminal traído contra él o ella, incluyendo la **lectura de acusación formal/instrucción de cargos**, la **selección del jurado**, cualquiera audiencia de evidencias, vista del **jurado**, el **veredicto del jurado**, el pronunciamiento de la condena, y la imposición de la sentencia.

36. *Plea that is Knowing, Intelligent, and Voluntary* **Declaración la Cual Es con Conocimiento, Inteligencia, y Voluntad**

When a **defendant** enters a **plea of guilty** or **no contest**, he waives his constitutional right to a trial, and the rights surrounding the trial, including the **right to remain silent**, the right for the case to be proven **beyond a reasonable doubt**, and the right to a unanimous verdict. The **defendant** must waive those constitutional rights knowingly and voluntarily. He must have the capacity to understand the proceedings, the nature of the charges, and the consequences of the plea. And the **defendant** must, in fact, understand at the time he enters his plea. Only if he understands the consequences and is willing to risk himself to suffering them, can he decide, of his own free will, to enter the plea. Absent a plea entered with understanding, intelligence, and a free will with respect to the consequences, the plea itself is suspect and may potentially be withdrawn.

Cuando el **acusado** entra su **declaración de culpable** o **no contesta** a los cargos, él abandona su derecho constitucional de ir a juicio y los derechos que tiene en un juicio, incluyendo el **derecho de permanecer en silencio/callado**, el derecho que el gobierno pruebe el caso fuera de toda duda razonable, y el derecho de un veredicto unánime. El **acusado** debe de abandonar estos derechos constitucionales con conocimiento y voluntariamente. Debe tener la capacidad de entender los procedimientos, la naturaleza de los cargos, y las consecuencias de su declaración. Y el **acusado** tiene, en realidad, que entender en el momento en que entra su declaración. Sólo si entiende las consecuencias y está dispuesto a correr el peligro el mismo de sufrir estas consecuencias, puede decidir, por su voluntad libre, a entrar una declaración. Ausente su declaración con entendimiento, inteligencia, y voluntad propia respecto a las consecuencias, la declaración en sí es sospechosa y potencialmente se puede retirar.

37. *Waiver of Rights* **Renunciación a los Derechos**

Defendants have the right, if they want, to waive or set aside their constitutional rights, including the rights to remain silent, have a **preliminary hearing**, have a **jury trial**, have a lawyer, or to appeal the case. Each waiver of rights has to be made voluntarily, knowingly, and intelligently by the **defendant**, and once waived, the right cannot be restored.

El **acusado** tiene el derecho, si quiere, de renunciar o cancelar sus derechos constitucionales, incluyendo los **derechos de permanecer en silencio/callado**, tener la **audiencia preliminar**, tener **juicio con jurado**, tener abogado, o apelar el caso. Cada renunciación a los derechos tiene que efectuarse voluntariamente, con entendimiento y conocimiento por parte del **acusado**—y una vez el derecho se renuncia, no se puede restablecer.

38. *Guilty Plea* **Declaración de 'Soy Culpable'**

A declaration of guilt, by which the **defendant** accepts responsibility for the crime.

Declaración de culpabilidad, por la cual los **acusados** aceptan la responsabilidad por el crimen.

39. *Not Guilty Plea*
Declaración de 'No Soy Culpable'

A declaration by which **defendants** maintain their innocence.

Declaración por la cual el **acusado** sostiene su inocencia.

40. *No Contest Plea*
Declaración de 'No Me Opongo'

A declaration by which the **defendant** neither admits nor denies guilt in the case. With this declaration, the judge will find the **defendant** guilty.

Declaración por la cual el **acusado** ni admite ni niega su culpabilidad en el caso. Con esta clase de declaración, el juez hallará al **acusado** culpable.

41. *Plea Bargain*
Acuerdo de Declaración

An agreement between the district attorney and the **defendant** by which the **defendant** agrees to enter a **plea of guilty or no contest** to the charges in exchange for a promise from the district attorney. This promise can include certain things such as reduced charges, a recommendation for a lower sentence, etc.

Un acuerdo entre el fiscal y el **acusado** por el cual el **acusado** accede a declararse culpable o no oponerse los cargos a cambio de una promesa del fiscal. Esta promesa puede incluir ciertas cosas como cargos reducidos, una recomendación para una **sentencia** rebajada, etc.

42. *Acceptance of Responsibility*
Aceptación de la Responsabilidad

In the federal system, if the **defendant** completely accepts responsibility for his or her criminal actions, with a declaration of guilt entered in advance and before trial, the **defendant** can obtain a reduction of punishment, based on eliminating the need to have a trial, prepare the case, or call **witnesses**.

In addition, in the state system, **defendants** can argue to reduce punishment or to authorize **probation** based on the fact that they have accepted responsibility and do not present a danger to the community.

En el sistema federal, si el **acusado** acepta completamente la responsabilidad por sus acciones criminales, con su declaración de culpabilidad entregada en avanzado y antes del juicio, el **acusado** puede obtener una reducción del castigo basado en la eliminación de la necesidad de tener un juicio, preparar el caso, o llamar a **testigos**.

Además, en el sistema estatal, los **acusados** pueden argumentar para reducir el castigo o ser considerado para recibir **supervisión** como parte de la **sentencia**, basado en el hecho que han aceptado la responsabilidad y no presentan un peligro a la comunidad.

43. *Motion*
Petición

A request brought by the attorney for the court to determine or resolve particular issues before trial.

Una **petición** traída por el abogado para que la corte determine o resuelva ciertos aspectos del caso antes del juicio.

44. *Motion Hearing*
Petición para una Audiencia

Hearing to decide issues brought by the parties in the case.

Audiencia para decidir preguntas que hacen los involucrados en el caso.

45. *Motion for Continuance*
Petición para Aplazar

Motion to set over the case to a different time.

Petición para aplazar el caso a otro día.

46. *Motion in Limine*
Petición para Limitar

Motion brought by the attorney to introduce or exclude certain information or aspects of the case.

Petición traída por el abogado para avanzar o prevenir ciertos aspectos del caso.

47. *Surprise*
Sorpresa

The **defendant** may move for exclusion of evidence or for a continuance of the trial, if evidence not previously disclosed, or disclosed unreasonably close to or at trial, is introduced.

El **acusado**/demandado puede peticionar a la corte para la exclusión de evidencias/pruebas o por el aplazamiento del juicio, si la evidencia/prueba no ha sido revelada anteriormente, o divulgada de forma poco razonable muy cerca o en el día de juicio.

48. *Searches*
Allanamientos

49. *Right to Protection from Unreasonable Search and Seizure*
Protección Contra Allanamiento y Registramiento

The Constitution guarantees protection against unreasonable search and seizure.

La Constitución garantiza protección contra el allanamiento y registramiento irrazonable.

50. *Searches Without a Warrant*
Allanamientos sin Mandamiento

Searches after **arrest** or if there is probable cause.

Allanamientos después del **arresto** o si hay causa probable.

51. *Searches with a Warrant*
Allanamientos con Mandamiento

Searches authorized by an order signed by a judge.

Allanamientos cuando se ha conseguido una orden del juez.

52. *Searches with Consent*
Allanamientos Con Consentimiento

Searches upon permission to the police to conduct the **search**.

Allanamientos con el permiso a la policía para realizar el **allanamiento**.

53. *Suppression of Illegally Obtained Evidence*
Supresión de Evidencia Obtenida Ilegalmente

Evidence obtained in violation of constitutional rights can be suppressed or excluded from use at trial.

Evidencia obtenida en violación de los derechos constitucionales puede ser suprimida o excluida de uso o introducción en el juicio.

54. *Suppression of Statements Obtained in Violation of Rights Under Miranda v. Arizona*
Supresión de Testimonio o Declaraciones Obtenidas en Violación de Derechos Bajo Miranda v. Arizona

If the police interrogating a detained suspect violate that person's right to have an attorney present during questioning, or his right to refuse to answer questions, any statement obtained can be suppressed or excluded from use or introduction at trial.

Si la policía interrogando a un sospechoso detenido viola/infringe los derechos que invoca para tener un abogado presente o su derecho de rehusar a contestar preguntas, cualquier declaración/exposición/relato puede ser suprimida o excluida del uso o introducción en el juicio.

55. *Right to Mount a Complete Defense*
Derecho de Presentar una Defensa Completa

Each **defendant** has the right, under the Constitution, to mount a complete defense.

Todo **acusado** tiene el derecho, bajo la Constitución, a presentar una defensa completa.

56. *Right to Effective Assistance of Counsel*
Derecho de Tener Representación Efectiva del Abogado

Each **defendant** has the right to effective assistance of counsel.

Todo **acusado** tiene el derecho a una representación efectiva del abogado.

57. *Defendant*
El Acusado

The person accused of criminal charges.

La persona acusada con cargos criminales.

58. *Pro Se Defendant*
Acusado sin Abogado

A person who acts as her own attorney. A person who represents herself in court without an attorney.

Una persona que actúa como su propio abogado. Una persona que se representa en la corte sin un abogado.

59. *Other Acts Evidence*
Pruebas de Otros Actos

Proof of other crimes, or prior bad acts, either charged or uncharged, brought or introduced against the accused, accuser, or **witness**. Other acts can include prior criminal acts, or acts that show the motive, knowledge, or opportunity to commit the crime charged. This type of information can positively or negatively affect the prosecution or defense of a case.

Prueba de otros crímenes u otros actos malos anteriores, ya sea cargados o no cargados, traídos, o introducidos contra el **acusado**, el acusador, o **testigo**. Otros actos pueden incluir actos criminales anteriores o actos que enseñan la motivación, conocimiento, u oportunidad para cometer el crimen del cual se le ha acusado. Esto puede afectar positivamente o negativamente el caso del gobierno o del **acusado**.

60. *Burdens of Proof*
Niveles de Pruebas

61. *Beyond a Reasonable Doubt*
Fuera de Toda Duda Razonable

The highest **standard of proof** required to obtain a verdict of guilty in a criminal case. The degree of certainty that a jury must have to find a **defendant** guilty of a crime.

El **nivel de prueba** más alto requerido para obtener un veredicto de culpable en un caso criminal. El nivel de certitud que un **jurado** debe de tener para encontrar a un **acusado** culpable de un crimen.

62. *Clear and Convincing*
Clara y Convincente

Highly probable or probably certain that a thing occurred (civil and some aspects of criminal cases).

Muy probable o es probable que sucedió lo que dicen que sucedió (se aplica en casos civiles y en ciertos aspectos de casos criminales).

63. *By a Preponderance of the Evidence*
Por Preponderancia de la Evidencia

Used primarily in civil cases: signifies that it is more likely that something happened as one of the parties says it happened.

Se aplica primordialmente en casos civiles: significa que es más seguro que los hechos sucedieron como una parte dice que sucedieron.

64. *Jury Selection*
Selección del Jurado

The process by which the **jury** who decides the case is selected.
Proceso por el cual se escoge al **jurado** que va a decidir el caso.

65. *Jury*
Jurado

The citizens selected to hear and decide the case (guilty or not guilty in criminal cases).

Los ciudadanos seleccionados para escuchar y determinar el caso (culpable o no culpable en casos criminales).

66. *Opening Statement*
Exposición o Presentación Inicial

An initial description to the **jury** of what to expect or what the testimony and evidence are about.

Una exposición inicial al **jurado** de lo que se espera o que el testimonio y las evidencias van a demostrar.

67. *Absolute Right to Testify at Trial or Not to Testify*
Derecho Absoluto de Testificar en el Juicio o de No Testificar

Under the U.S. Constitution, the **defendant** in a criminal case has the absolute right to testify or not to testify at trial. The decision belongs to the **defendant** alone.

Bajo la Constitución de los Estados Unidos, el **acusado** en un caso criminal tiene el derecho absoluto de testificar o no en su propia defensa. Esta decisión es determinada nada más por el **acusado**.

68. *Right to Remain Silent*
Derecho de Permanecer en Silencio/Callado

Under the U.S. Constitution, the **defendant** in a criminal case has the absolute right to remain silent. He cannot be compelled to admit guilt, to make a statement, or to testify admitting his involvement in a crime, with the statement or testimony then being used against him at trial.

Bajo la Constitución de los Estados Unidos, el **acusado** en un caso criminal tiene el derecho absoluto a permanecer en silencio/callado. No puede ser obligado a admitir culpabilidad o hacer un testimonio admitiendo su involucración en un crimen/delito que después puede usarse en contra de él en un juicio.

69. *Witness*
Testigo

A person who testifies at trial **under oath** on matters of which he has direct knowledge.

Una persona que testifica en un juicio **bajo juramento** en cuestiones de cosas que él/ella tiene conocimiento directo.

70. *The Defendant's Right to Call Witnesses*
Derecho del Acusado Para Llamar/Traer Testigos

Each **defendant** in a criminal case has the right to call **witnesses** to testify on his behalf.

Todo **acusado** en un caso criminal tiene el derecho a llamar/traer **testigos** para testificar de parte de él.

71. *Right to Compel the Presence of Witnesses at Trial*
Derecho a Obligar la Presencia de Testigos en el Juicio

The **defendant** in a criminal case has the right to compel the presence of **witnesses** to testify on his behalf at trial.

El **acusado** en un caso criminal tiene el derecho de obligar la presencia de **testigos** para testificar por él/ella.

72. *Subpoena*
Citación/Citatorio

An order requiring a person to be present to testify or produce documents.

Una orden obligando a una persona a presentarse para testificar o producir documentos.

73. *Under Oath*
Bajo Juramento

Witnesses are required to state their testimony under oath. Before testifying, the **witness** swears or promises to tell the truth.

Es requerido que los **testigos** presenten su declaración bajo juramento. Antes de testificar, los **testigos** juran o prometen decir la verdad.

74. *Perjury*
Perjurio/Declaración Falsa

A crime by which a **witness** knowingly presents false testimony **under oath** in court.

Un crimen por el cual un **testigo** con conocimiento presenta testimonio falso **bajo juramento** en la corte.

75. *Reliability of Witnesses*
Confiabilidad de los Testigos

It is always a central issue at trial. The **defendant** can challenge the **witness's** reliability and credibility by testing on cross-examination the **witness's** bias and motive to fabricate.

Es siempre un punto central en un juicio. El **acusado** puede probar la confiabilidad y credibilidad de un **testigo** en repreguntas al **testigo** para probar el prejuicio y motivo de fabricar.

76. *Right to Cross-Examine Witnesses*
Derecho de Contrainterrogar/Repreguntar los Testigos Presentados por la Otra Parte

The opposing attorney can ask questions that challenge or attack the testimony of a **witness** presented by the other party.

El abogado de la parte opositora puede hacer preguntas para desafiar o atacar el testimonio de los **testigos** presentados por la otra parte.

77. Impeachment of Witness
Impugnar al Testigo

To call into question the veracity of the **witness**. Impeachment can be by bias, by motive to fabricate, or by contradiction. Poner en duda la veracidad del **testigo**. Impugnar puede ser por prejuicio, por motivo para fabricar, o por contradicción.

78. Impeachment of Witness by Prior Inconsistent Statement
Impugnar el Testigo por Testimonio Anterior

To challenge the veracity of the testimony by showing the difference between the testimony at trial and a contradictory statement the **witness** has made before trial.

Poner en duda la veracidad del testimonio por demostrar la inconsistencia entre el testimonio en el juicio y una declaración previamente dicho. Significa que el testimonio del **testigo** es diferente en el juicio de lo que previamente hecha.

79. Impeachment by Bias
Impugnar por Prejuicio/Parcialidad/Predisposición

Testing the relationship between the **witness** and a party, which might lead the **witness** to slant testimony in favor of or against a party. *United States v. Abel*, [469 U.S. 45](#), 52 (1984).

Es permisible demostrar que el **testigo** es parcial a una parte o tiene una predisposición contra de una parte la cual afecta la calidad de su testimonio en favor o en contra de una parte del caso. *United States v. Abel*, [469 U.S. 45](#), 52 (1984).

80. Impeachment by Motive to Fabricate
Impugnar por Motivo para Fabricación

To test the willingness of the **witness** to lie to or mislead the jury, out of self-interest, or in an attempt to help the case of a particular party.

Poner a prueba la motivación del **testigo** para fabricar (mentir) o engañar al **jurado** por interés personal o para ayudar a una parte particular en el caso.

81. Impeachment by Contradiction
Impugnar por Contradicción

Placing before the **jury** the statement of a **witness** that contradicts his own previous testimony, or is contradicted by the testimony of other witnesses, regarding essential facts.

Poner en frente del **jurado** el testimonio del **testigo** que contradice su propio testimonio anterior o es contradicho por otro **testigo** en referencia a hechos esenciales.

82. Impeachment of Witnesses by Prior Conviction
Impugnar al Testigo con su Marca Criminal o Fallo de Culpabilidad Anterior

The **witness** can be asked to admit that he has been convicted of a crime.

El **testigo** se le pregunta que admita que ha sido encontrado culpable/convicto de un crimen.

83. Immunity
Inmunidad

The concept by which the state or district attorney offers (a **witness**) an exemption from legal obligations, penalties, or prosecution—in exchange for testimony in a criminal action or case.

Bajo ciertas circunstancias, el Estado o el fiscal ofrece excepción de una obligación legal, penas, o prosecución—a cambio de testimonio, en una acción o caso criminal.

84. *Closing Statement*
Exposición o Presentación al Final y Cierre de la Evidencia

An argument to the **jury** made by the attorneys at the close of the evidence on how and why the jury should decide the case. In criminal cases, the prosecutor asks for a guilty verdict, and the defense counsel asks for a not guilty verdict, based on the testimony and the proof brought at trial.

Oportunidad de los abogados a presentar por última vez al jurado porque y de que manera deben de decidir el caso. En casos criminales, el fiscal pide que lo encuentren culpable, y el abogado del **acusado** pide que lo encuentren que no es culpable, basado en el testimonio y evidencias presentadas.

85. *Jury Deliberations*
Deliberaciones del Jurado

The **jury**, after the close of testimony and evidence, withdraws to decide the case (guilty or not guilty in criminal cases).

El **jurado**, después del cierre de testimonio y evidencias, se retiran a decidir el caso (si es culpable o no en casos criminales).

86. *Mistrial*
Juicio Nulo

The **jury** must render a unanimous verdict in a criminal case. A mistrial is declared if the jury is not unanimous in the decision and cannot reach a verdict.

El **jurado** tiene que decidir unánimemente el caso en casos criminales. El juicio es nulo si el **jurado** no tiene unanimidad en la decisión y no hay veredicto.

87. *Hung Jury*
Jurado Colgado

The jury is hung when it cannot reach a **verdict** of guilty or not guilty.

El **jurado** está colgado cuando no puede llegar a un acuerdo sobre el veredicto de culpable o no culpable.

88. *Jury Verdict*
Veredicto del Jurado

The decision of the **jury** concerning the case (guilty or not guilty in criminal cases).

La decisión del **jurado** sobre el caso (si es culpable o no culpable en casos criminales).

89. *Sentencing*
Sentencia

The imposition of punishment following a finding or declaration of guilty.

La imposición de castigo después de encontrarse o declararse culpable.

90. *Presentence Investigation Report*
Reporte de Investigación Preparado Antes de la Sentencia

A report prepared for the judge by a **probation** agent to provide information on the **defendant** and to help the judge in the **sentencing**. Typically, this document contains information on the crime, the victim's version as well as the **defendant's** version of what took place, prior convictions, **arrests**, work history, and family information.

Un reporte preparado para el juez por un agente de **supervisión** para dar información sobre el **acusado** y asistir al juez en la **sentencia**. Típicamente, este documento contiene información sobre el crimen, la versión sobre lo sucedido por parte de la víctima y del **acusado**, condenas anteriores, **arrestos**, y detalles de trabajo y de familia.

91. *Mandatory Minimum Sentence*
Sentencia Mínima Mandatoria

The minimum **sentence** dictated by law that the judge shall impose.
Bajo la ley el juez tiene que imponer una **sentencia** mínima que exige el cargo.

92. *Bifurcated Prison Sentence*
División en Dos Ramales de la Sentencia de Prisión

A prison term imposed for a felony committed after December 31, 1999, shall be bifurcated, consisting of a term of **initial confinement** in prison and a term of **extended supervision**. The extended supervision begins after the prison sentence is served, and it is supervised by the Department of Corrections.

Una sentencia de prisión impuesta por un delito mayor cometido después de 31 de diciembre 1999, debe de ser dividida en dos ramales consistiendo en un término inicial de encarcelamiento en la prisión, y un término de **supervisión extendida**. Esta **supervisión extendida** empieza después de la pena de prisión y es supervisado por el departamento de corrección/penal.

93. *Imposed and Stayed Sentence*
Sentencia Impuesta Pero Suspendida

Under this structure, the **defendant** is sentenced to a period of time in jail or prison but is free to go without serving the sentence imposed. If the **defendant** violates any conditions imposed by the court, and is revoked, then the **defendant** would have to go to jail or prison to serve the sentence imposed.

Bajo esta estructura, el condenado es sentenciado a un período de tiempo en la cárcel o la prisión, pero sale libre sin servir la **sentencia** impuesta. Si el condenado comete infracciones de las condiciones impuestas por la corte, y es revocado, entonces tendría que ir a la cárcel o la prisión para servir la **sentencia** impuesta.

94. *Forfeiture of Assets*
Decomiso de Bienes

The government can seize any money or property of the **defendant** that is procured from the sale or distribution of drugs or from any criminal enterprise.

El gobierno puede decomisar cualquier dinero o propiedad del **acusado** la cual fue obtenida de la venta o distribución de drogas o de cualquier empresa/actividad criminal.

95. *Truth in Sentencing*
Verdad en la Sentencia

This is the new **sentencing** structure that took effect after February 1, 2003. It means that the sentence formulated by the judge has to be served precisely and completely. The sentence imposed by the judge, by law, is divided into two parts. The first part is **initial confinement** and the second is the period of **extended supervision**.

Esta es la nueva estructura de **sentencia** la cual fue promulgada después del primero de febrero del 2003. Significa que la **sentencia** formulada por el juez tiene que ser servida de forma precisa y completa. La **sentencia** impuesta por el juez, por ley, tiene que ser dividida en dos partes. La primera parte es el **encarcelamiento inicial** y la segunda es el período de **supervisión extendida**.

96. *Initial Confinement*
Encarcelamiento Inicial

In this first part of the sentence, the **defendant** has to serve the time imposed by the judge, day for day.

En esta primera parte de la **sentencia**, el **acusado** tiene que servir el tiempo impuesto por el juez, día por día.

97. *Extended Supervision*
Supervisión Extendida

The second part of the sentence is a conditional liberty in which the person sentenced is to be released and supervised by the Department of Corrections.

La segunda parte de la **sentencia** es una libertad condicional en la cual el sentenciado va a ser dejado en libertad y supervisado por el departamento de corrección/penal.

98. *Criminal Record*
Historial Criminal

List of crimes for which the **defendant** has been arrested or sentenced. This list is maintained within the records of local and state law enforcement authorities and nationwide.

Lista de delitos por los cuales el **acusado** ha sido arrestado o condenado. Esta lista es mantenida en los archivos de las autoridades locales, estatales, y nacionales.

99. *Expunge the Criminal Record*
Borrar el Historial Criminal

When a crime with a penalty of six years or less is committed by a person under 25 years of age, the judge can order, at the **sentencing**, that the crime be expunged if the **defendant** successfully completes the sentence imposed and the judge determines that society will not be adversely affected.

Cuando un crimen con castigo de seis años o menos es cometido bajo la edad de menos de 25 años, el juez puede ordenar, en el momento de la **sentencia**, que este delito sea borrado si el **acusado** completa la **sentencia** puesta y el juez determina que la sociedad no será dañada por esta acción.

100. *Restitution*
Restitución/Reparación de Daño

An act that restores or reestablishes something to the legal owner. An order that affirms the right of a person to recover what that person has lost or (determines) the value of the damage that the person has suffered.

Acto que restituye o restablece algo al dueño legal. Orden que afirma el derecho de una persona a recobrar lo que ha perdido o el valor del daño que ha sufrido.

101. *Victims' Rights Under State Law*
Derechos de las Víctimas Bajo la Ley Estatal

Victims of crimes have the right, among others, to have their interests considered when the court is deciding whether to grant a continuance or postponement in the case, the right to attend court proceedings, and to provide statements concerning **sentencing** and the final disposition of the case.

Las víctimas de crímenes tienen el derecho, entre otros, a tener sus intereses considerados cuando la corte está decidiendo si va a continuar o posponer el caso, atender los procedimientos de la corte en el caso, y proveer testimonio respecto a la **sentencia** y disposición final del caso.

102. *Probation*
Supervisión

Instead of imposing a sentence, the judge can release persons to the community who have been found guilty of a crime. Typically, probation includes certain conditions, such as paying fines; serving some time in jail; completing work or service in the community, or treatment for problems such as drugs, alcohol, or aggression; or any other conditions that the probation agent decides are necessary to rehabilitate the convicted person.

En vez de imponer una **sentencia**, el juez deja salir a la comunidad a personas que son encontradas culpable de un crimen. Típicamente, supervisión incluye ciertas condiciones como pagar las multas; pasar algún tiempo en la cárcel; completar servicios o trabajo en la comunidad, o tratamiento para problemas de drogas, alcohol, o agresión; o cualquier otra condición que el agente de supervisión decide que son necesarias para regenerar al convicto.

103. *Specific Sentencing Factors Concerning the Defendant* Factores de la Sentencia Específicos Sobre el Acusado

As part of these factors, the judge takes into account the following at **sentencing**:

- Past record of criminal offenses;
- History of undesirable behavior patterns;
- Personality;
- Result of the report prepared before **sentencing** (a **Presentence Investigation Report**);
- Degree of culpability;
- Age;
- Education;
- Employment record;
- Remorse;
- Cooperation; and
- The **defendant's** need for close rehabilitative control.

Como parte de estos factores, el juez toma en cuenta los siguientes en la **sentencia**:

- Historial de ofensas criminales;
- Historial de comportamiento no deseado;
- La personalidad;
- El resultado del **reporte preparado antes de la sentencia**;
- El grado de culpabilidad;
- La edad;
- Educación;
- Historia de empleo;
- Remordimiento;
- Cooperación; y
- La necesidad del **acusado** de tener rehabilitación muy controlada.

104. *Exercising Sentencing Discretion: Proper Considerations* Ejercitando Discreción en la Sentencia: Consideraciones Apropriadas

Three primary factors that the judge takes into account:

1. Gravity of the offense;
2. Character of the **defendant**; and
3. Need to protect the public.

Tres factores primarios que el juez toma en cuenta:

1. Gravedad de la ofensa;
2. Carácter del **acusado**; y
3. Necesidad de proteger al público.

Matters Related to Federal Sentencing **Asuntos Relacionados con la Sentencia Federal**

105. *United States Sentencing Guidelines* Guías de Sentencias de los Estados Unidos

The federal judge who formulates and imposes a sentence takes into account and consults the United States Sentencing Guidelines. These guidelines consist of levels of punishment that correspond to the gravity of a particular crime, and that establish the limits or parameters regarding the time that the defendant has to serve. The final sentencing range is also derived from criminal points based on the defendant's personal history and personal characteristics.

In general, the person without a prior conviction receives less punishment than one who already has convictions entered because of criminal activity. Under the decision in *United States v. Booker*, the guidelines are advisory, not mandatory.

El juez federal que formula e impone una sentencia toma en cuenta y consulta las guías de sentencias de los Estados Unidos. Estas guías consisten en niveles de castigo que corresponden a la gravedad de un crimen en particular, y que establecen los límites o parámetros respecto al tiempo que el acusado tiene que servir. El extenso del castigo final también se deriva de puntos criminales basados en el historial personal y las características personales del acusado.

En general, la persona sin condena anterior recibe menos castigo que la que ya tiene sentencias impuestas por actividad criminal. Bajo la decisión en *Estados Unidos v. Booker*, las guías son consultivas, no obligatorias.

106. *Reasonable Foreseeability* Previsibilidad Razonable

In the federal system, the **defendant** who is a member of a conspiracy can be punished and held responsible not only for the defendant's own actions, but also for the actions of the other conspirators. This concept is based on the reasonable foreseeability that the **defendant** has regarding the actions and activities of the others. For example, if the **defendant** sells drugs as part of a function within the conspiracy and knows that the other members are also selling drugs and are going to sell drugs, he can be held responsible with them for all the quantities sold. The punishment imposed at sentencing reflects or takes into account the responsibility of the entire group.

En el sistema federal, un **acusado** que es miembro de una conspiración puede ser castigado y hecho responsable no sólo por sus propias acciones, pero también por las acciones de otros. Este concepto se basa en la previsibilidad razonable que el **acusado** tiene respecto a las acciones y actividades de los otros. Por ejemplo, si el **acusado** vende drogas bajo una función dentro de la conspiración y sabe que los otros miembros también venden drogas, y van a vender drogas, el acusado es tan responsable como ellos por todas las cantidades vendidas. El castigo que el acusado recibe en la sentencia refleja o toma en cuenta la responsabilidad total del grupo.

107. *Aggravating Factors in Federal Sentencing* Factores Agravantes en la Sentencia Federal

In the federal system, the level of punishment can be raised by aggravating factors, if these are admitted by the **defendant** or proven beyond a reasonable doubt by a jury. Examples of aggravating factors are use of a firearm during the commission of a crime; commission of a crime when the **defendant** is already placed on probation or is completing the conditions of a sentence already imposed; or the commission of a crime within two years of the imposition of a sentence.

En el sistema federal, se puede elevar el nivel de castigo por factores agravantes, si esos son admitidos por el **acusado** o probados fuera de toda duda razonable por el jurado. Ejemplos de factores agravantes son uso de arma de fuego cuando se comete el crimen, comisión del crimen mientras el **acusado** está bajo supervisión o está cumpliendo con las condiciones de una sentencia impuesta, o comisión del crimen dentro de dos años de la imposición de una sentencia.

108. *Aggravated Felony* Delito Mayor Agravante

Among the factors that raise the punishment under the federal guidelines, especially in regards to a **defendant** who enters the country illegally after the imposition of an order of deportation, is the aggravated felony. This concept requires the punishment to be increased substantially if the defendant who enters illegally was already deported after having committed a crime such as homicide, sexual assault, or the sale of drugs.

Entre los factores que elevan el castigo bajo las guías federales, especialmente con respecto al **acusado** que entra al país ilegalmente después que se ha impuesto una orden de deportación, es un delito mayor agravante. Este concepto requiere que se eleve el castigo sustancialmente si el acusado que entra ilegalmente fue deportado anteriormente por haber cometido un delito mayor como homicidio, asalto sexual, o venta de drogas.

109. *Relevant Conduct* **Conducta Relevante**

Under the federal guidelines, the relevant conduct of the defendant—conduct that belongs to or is related to the commission of a crime—can increase or extend the level of punishment. Relevant conduct consists of each action, act, or omission that the defendant completes or puts into effect during the commission or preparation of the crime, or that is put into effect to escape the consequences or responsibility for the crime. For example, if a defendant takes or cuts an ounce of cocaine from a two-pound brick of cocaine hidden in the house and is arrested for selling the ounce in the street, the defendant will be punished not only for the quantity found during the arrest, but also for the rest of the cocaine brick hidden in the house. Another example is the case of a defendant who sells an ounce of cocaine every week for 10 weeks: Even if the defendant is caught only in the 10th week, and only with the single ounce, the other 9 ounces can be brought against the defendant at sentencing, if it can be shown that the defendant sold those as well.

Bajo las guías federales, la conducta relevante del acusado—conducta que pertenece a o está relacionada con haber cometido un crimen—puede aumentar o extender el nivel del castigo. La conducta relevante consiste de cada acción, hecho, u omisión que completa o pone en vigor el acusado durante la comisión o la preparación del crimen, o que se pone en efecto para escaparse de las consecuencias o la responsabilidad de su crimen. Por ejemplo, si un acusado saca o corta una onza de cocaína de un ladrillo de dos libras de cocaína oculto en la casa, y, si es detenido por vender la onza en la calle, el acusado será castigado no sólo por la cantidad hallada a la detención, pero también por el resto del ladrillo de cocaína oculto en la casa. Otro ejemplo es el caso de un acusado que vende una onza de cocaína cada semana por 10 semanas: Aunque sea atrapado en la décima semana, y sólo con una onza, se pueden introducir las otras nueve onzas en contra del acusado en la sentencia, si se prueba que el acusado también las vendió.

110. *United States v. Booker*

A decision of the Supreme Court of the United States that holds that the judge cannot impose punishment against any defendant that is not based—with the exception of criminal history—on facts decided by a jury beyond a reasonable doubt, or admitted by the defendant.

Una decisión de la Corte Suprema de los Estados Unidos que pronuncia que el juez no puede imponer castigo en contra de cualquier acusado el cual no está basado—con la excepción del historial criminal—en hechos decididos por un jurado fuera de toda duda razonable, o admitidos por el acusado.

111. *Factors Pertaining to Federal Sentencing* **Factores que Pertenecen a la Sentencia Federal**

The federal judge who imposes the sentence must take into account, under the authority of the case *United States v. Booker*, the factors enumerated in 18 [U.S.C.](#) § 3553(a). These factors include

- The nature and circumstances of the offense;
- The history and personal characteristics of the **defendant**; and
- The need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, to provide a just punishment, to afford adequate deterrence to criminal conduct, to protect the public, and to provide the **defendant** with needed training and medical care in the most effective manner.

El juez federal que impone la sentencia debe de tomar en cuenta, bajo la autoridad del caso *Estados Unidos v. Booker*, los factores enumerados en *Código 18 de Los Estados Unidos*, sección 3553(a). Estos factores incluyen

- La naturaleza y las circunstancias de la ofensa;
- La historia y las características personales del **acusado**; y
- La necesidad de que la sentencia impuesta refleje la gravedad de la ofensa, promover el respeto para la ley, proveer un castigo justo, proporcionar un impedimento adecuado contra la conducta criminal, para proteger al público, y eficazmente

proveer al **acusado** el entrenamiento y la atención médica necesaria.

112. *Crawford v. Washington*

A case of the United States Supreme Court that holds that the introduction at trial of **testimonial hearsay** violates the right to confrontation absent a prior opportunity to cross-examine the declarant.

Un caso de la Corte Suprema de los Estados Unidos que dice que la introducción al juicio de una **declaración de evidencia por referencia o testimonio de oídas** viola el derecho de confrontación ausente la oportunidad anterior para repreguntar al declarante.

113. *Testimonial Hearsay*

Declaración de Evidencia por Referencia o Testimonio de Oídas

An out-of-court statement testified to by another **witness** at trial that incriminates the **defendant**.

Una declaración pronunciada fuera de la corte que es relatada durante el testimonio de otro **testigo** y que incrimina al **acusado**.

114. *Standard of Review*

Norma de Revisión

The principle of law on which an appellate court analyzes and decides a request for relief from a judgment in the lower court. Many times, the standard goes to whether the lower court has abused its discretion. In a **motion** to overturn the verdict based on insufficiency of the evidence, the appellate court cannot substitute its judgment for that of the trier of fact (the lower court), "unless the evidence, viewed most favorably to the state, is so lacking in probative value and force that it can be said as a matter of law that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt." *State v. Poellinger*, [153 Wis. 2d 493](#), 507, [451 N.W.2d 752](#) (1990).

El principio de ley en el que la corte de apelación analiza y decide una **petición** para alivio del fallo de la sentencia del tribunal inferior. Muchas veces, la norma es si la corte inferior abusó su discreción. En una **petición** para anular/volcar el veredicto basado en insuficiencia de evidencia/pruebas, el juzgado de apelación no puede sustituir su juicio/opinión por la de la corte inferior, "al menos que la evidencia, vista más favorablemente al Estado, carece en valor probatorio y fuerza que ninguna corte, actuando razonablemente, podría encontrar culpabilidad fuera de duda razonable." *Estado v. Poellinger*, [153 Wis. 2d 493](#), 507, [451 N.W.2d 752](#) (1990).

115. *Notice of Intent to Seek Postconviction Relief*

Notificación de la Intención de Pedir Revisión de la Sentencia

A document by which **defendants** notify the court that they are going to ask the court of appeals to review a decision of the lower court.

Un documento por el cual los **acusados** notifican a la corte que se van a pedir a la corte de **apelación** que revise la **decisión** de la corte inferior.

116. *Appeal*

Apelación

A request to the court of appeals to overturn a legal decision of the lower court.

Una propuesta a la corte de apelación para que revise la **decisión** legal de la corte inferior.

Matters Related to Traffic Offenses

Asuntos Relacionados con Ofensas de Tráfico

117. *Refusal*

Rechazo

The refusal occurs when a person stopped by the police under suspicion of driving under the influence of alcohol or other intoxicants refuses to submit to breath or blood tests to determine if the person is driving under the influence. Under the law, if one refuses to submit to these tests, one risks losing one's license for a period of time.

El rechazo ocurre cuando la persona parada por la policía por sospecha de conducir bajo la influencia de alcohol u otros intoxicantes se niega a someterse a las pruebas de aliento o dar sangre para determinar si la persona está manejando bajo la influencia. Bajo la ley, si la persona se niega a someterse a estas pruebas, toma el riesgo de perder la licencia por un período de tiempo.

118. *Refusal Hearing* **Audiencia de Rechazo**

This hearing needs to be requested within 10 days from the **refusal** to submit to breath or blood tests. If the hearing is not demanded within the 10 days, the license is revoked automatically.

Esta audiencia debe de ser exigida dentro de 10 días a partir de la negación a someterse a las pruebas de aliento o dar sangre. Si esta audiencia no es exigida dentro de los 10 días, se le revocará la licencia automáticamente.

119. *Administrative Review* **Revisión Administrativa**

If the police officer seizes the driver's license after the driver has taken the breath or blood test, the driver has 10 days to request a hearing to determine if the officer had **probable cause** to seize the license.

Si el oficial de policía le quita la licencia de manejar después que se somete a la prueba de aliento o dar sangre, tiene 10 días para exigir una audiencia para determinar si el oficial tuvo **causa probable** para quitarle la licencia.

120. *Occupational Driver's License* **Licencia de Manejar Ocupacional**

A person can apply for this license when the driving privilege has been revoked or suspended. With the occupational license the person can drive during specified hours to go to work or school, or for any other purpose allowed by law.

Una persona puede pedir esta licencia cuando el privilegio de manejar ha sido revocado o suspendido. Con la licencia ocupacional la persona puede manejar entre horas delineadas con el propósito de ir al trabajo, la escuela, o cualquier otro propósito permitido por la ley.

Matters Related to Immigration **Asuntos Relacionados con Migración**

121. *Defendant's Right to Understand Immigration Consequences upon a Plea of Guilty or No Contest* **El Derecho del Acusado de Entender las Consecuencias de Migración al Declararse Culpable o No Me Opongo**

A **defendant** who pleads to a crime in state or federal court has the right to understand the consequences of the plea, insofar as a **plea of guilty** or **no contest** may result in removal from the country. A **defendant** who does not understand, or who is not advised, that the plea may result in removal may be able to withdraw his plea. In Wisconsin law, if the judge does not warn the **defendant** on the record that his plea may result in deportation, exclusion from the country, or denial of naturalization, the **defendant** may have the right to withdraw his plea and have the conviction vacated. He would then normally renegotiate the charge he pled to, or go to trial on the original charge. [Wis. Stat.](#) § 971.08(1)(c), (2).

El **acusado** el cual **se declara culpable o no me opongo** por un crimen en la corte estatal o del gobierno federal, tiene el derecho de entender que las consecuencias de esta declaración pueden resultar en ser removido/echado del país. El **acusado** que no entiende esto, o el cual no ha sido aconsejado que la declaración puede resultar en ser removido/echado del país, puede tener el derecho de retirar su declaración. Bajo la ley del estado de Wisconsin, si el juez no advierte al **acusado** en el expediente que esta declaración puede resultar en la deportación, exclusión del país, o la negación de la naturalización, el **acusado** puede tener el derecho de retirar su declaración y tener el fallo de culpabilidad anulado. Entonces, él puede negociar de nuevo el cargo que se va a declarar o ir a juicio en el cargo original. [Wis. Stat.](#) § 971.08(1)(c), (2).

122. *Crime Involving Moral Turpitude* **Crimen que Implica Torpeza/Infamia Moral**

Defined as conduct that “shocks the public conscience as being inherently base, vile or depraved, contrary to the rules of morality and the duties owed to either one’s fellow man or society in general.” *In re Danesh*, 19 I. & N. Dec. 669 (BIA 1988). Theft and fraud offenses are examples of crimes involving moral turpitude. Most crimes involving moral turpitude must be either intentional, knowing, or reckless offenses involving reprehensible conduct.

Definida como una ofensa la cual “sacude/ultraja/escandaliza la conciencia pública por ser inherentemente bajo, despreciable o pervertido, contrario a las reglas de moralidad y obligación que nos debemos uno a otro como seres humanos y la sociedad en general.” *El Asunto de Danesh*, 19 I. & N. Dec. 669 (BIA 1988). Cargos de robo y ofensas de fraude son ejemplos de los crímenes los cuales involucran torpeza/infamia moral. La mayoría de los crímenes que involucran depravación/bajeza moral deben ser intencional, a sabiendas, u ofensas imprudentes que involucran una conducta reprensible.

123. *Waiver of Grounds of Inadmissibility* **Renuncia/Exención de los Motivos de Inadmisibilidad**

A person who has been convicted of a **crime involving moral turpitude** may apply for a waiver of grounds of inadmissibility. The applicant must show either 1) extreme hardship to a U.S. citizen or lawful permanent resident spouse, child, or parent; or 2) if the inadmissible offense occurred more than 15 years from the date of the waiver application, that approval would not be contrary to the national welfare, safety, or security of the United States and demonstrate genuine rehabilitation. 8 [U.S.C.](#) § 1182(h). Most inadmissible drug offenses cannot be waived at all. The only exception is a single offense involving simple possession of 30 grams or less of marijuana for one’s personal use.

Una persona la cual fue encontrada culpable de un **crimen que implica torpeza/infamia moral** podría aplicar por una renuncia de los motivos de inadmisibilidad. El solicitante debe de mostrar 1) privación extrema a un ciudadano o residente permanente legal de los Estados Unidos quien es su cónyuge (esposo/a) hijo o padre; o 2) si la ofensa/delito inadmisibile ocurrió más de 15 años desde el día de la solicitud de renuncia/exención, que la aprobación “no sería contrario al bienestar nacional o la seguridad de los Estados Unidos” y demostrar una verdadera rehabilitación.” 8 [U.S.C.](#) § 1182(h). La mayoría de los delitos de drogas inadmisibles no pueden renunciarse en absoluto. La única excepción es una sola ofensa que involucre la posesión simple de 30 gramos o menos de marihuana para uso personal.

124. *Good Moral Character* **Buen Carácter Moral**

Good moral character is required to become a U.S. citizen. A person cannot show good moral character within the specified time period who has been convicted of an inadmissible drug crime or gambling offenses, has given false testimony in applying for an immigration benefit, or who has been incarcerated for 180 days or more. A person convicted of an aggravated felony after November 29, 1990 is permanently barred from establishing good moral character. A person convicted of murder at any time is likewise permanently barred from showing good moral character.

Es requerido tener y mostrar un buen carácter moral para convertirse en un ciudadano de los Estados Unidos. Una persona no puede mostrar buen carácter moral dentro del período de tiempo especificado la cual se le ha encontrado culpable por un inadmisibile crimen que involucre drogas, ofensas de apuestas, ha dado testimonio falso en aplicar o en la aplicación por beneficio de inmigrante, o quien ha sido encarcelado por 180 días o más. Una persona condenada/convicta por un delito mayor agravado después de 29 de noviembre de 1990 está permanentemente prohibida establecerse un buen carácter moral. Una persona condenada/convicta por asesinato en cualquier momento también está permanentemente impedida de mostrar un buen carácter moral.

125. *Removal Proceedings* **Procedimientos de Expulsión**

The process by which the Department of Homeland Security seeks an order from an immigration judge requiring the removal of a person present in the United States. The subject of the removal proceeding has the **right to due process of law**—the right to notice, including notice of the specific allegations that support his removal, the right to be heard and answer or refute the allegations, and the right to seek or apply for any immigration benefit or remedy to which he may be entitled.

El proceso por el cual el Departamento de Seguridad Nacional/de la Patria busca una orden de un juez de inmigración requiriendo la expulsión de una persona que se encuentra en el país. La persona la cual el gobierno quiere expulsar tiene el derecho a ser juzgado mediante los procedimientos jurídicos de la ley—el derecho de ser notificado, incluyendo la notificación de las alegaciones específicas las cuales son la base de la expulsión, el derecho de ser escuchado y responder o negar las alegaciones, y el derecho a buscar o aplicar por cualquier beneficio inmigratorio o remedio que tiene derecho.

126. *Cancellation of Removal* **Cancelación de Removimiento**

The most common application for a person in **removal proceedings** is called cancellation of removal. For non-lawful permanent residents, the respondent must establish that before the service of the notice to appear, the person maintained continuous physical presence in the United States for at least 10 years, has been a person of **good moral character** during the 10-year period, has not been convicted of any inadmissible or deportable offenses, and whose removal would result in exceptional and extremely unusual hardship to his U.S. citizen or lawful permanent resident spouse, child, or parent, and who merits a favorable exercise of discretion. For lawful permanent residents, cancellation of removal requires being a permanent resident for at least five years, continuous residency for at least seven years, and not being convicted of an aggravated felony. Continuous residency could be deemed to stop if the lawful permanent resident committed an inadmissible offense within the first seven years of admission to the United States.

La aplicación más común para una persona que está en el **proceso de removimiento** es llamada cancelación de removimiento. Para residentes permanentes no legales, el demandado tiene que establecer que antes de ser servido con el aviso de aparecer, la persona mantuvo una presencia física continua en los Estados Unidos por al menos diez años, ha sido una persona de **buen carácter moral** durante el período de diez años, no ha sido condenado/convicto por cualquier ofensa inadmisibles o deportable/extraíble, y cuyo removimiento del país resultaría en una excepcional, rara, y extrema opresión a su esposo(a), hijo, o pariente quien es ciudadano o permanente residente legal de los Estados Unidos, y él merita un ejercicio de discreción favorable. Para residentes permanentes legales, la cancelación de la deportación requiere ser residente permanente durante al menos cinco años, residencia continua durante al menos siete años, y no ser condenado/convicto por un delito mayor agravado. Se puede considerar que la residencia continua se detiene si el residente permanente legal cometió un delito inadmisibles dentro de los primeros siete años de la admisión a los Estados Unidos.

127. *Best Advice to Avoid Removal* **Mejor Consejo para Evitar la Expulsión**

An undocumented person can be placed into **removal proceedings** regardless of being arrested or convicted. However, an arrest or conviction is often the most common reason an undocumented person is brought to the attention of Immigration and Customs Enforcement. A person who violates a criminal statute, even a relatively minor one, can also be removed, if the conviction is deemed an inadmissible or deportable offense. Noncitizens charged with criminal offenses should consult with an immigration lawyer to discuss potential immigration consequences.

Una persona indocumentada puede ser colocada en un proceso de expulsión sin importar si es arrestado(a)/o condenado(a)/convicto(a). Sin embargo, un arresto o condena/convicto es a menudo la razón más común por la cual una persona indocumentada atrae la atención de la inmigración. Una persona que rompe las leyes criminales, aunque sea una infracción relativamente menor, también puede ser expulsada, si la condena/convicción se considera un delito inadmisibles o deportable/extraíble. Los no-ciudadanos acusados de delitos/crimen deben de consultar con un abogado de inmigración para discutir las posibles consecuencias migratorias.

Appendices

- A Accommodation/Interpreter Request
Mandatory Court Form GF-153
- B SCR Chapter 63
Code of Ethics for Court Interpreters
- C Selected Wisconsin Statutes
Related to Court Interpreters

- D Court Interpreter Training and Certification
- E Court Interpreter Links
- F Community Resources
- G Spanish Court Forms

Appendix A

Accommodation/Interpreter Request Mandatory Court Form GF-153

The purpose of Form GF-153, Accommodation/Interpreter Request is to assist the court in determining whether an accommodation or interpreter might be necessary for a party, witness, juror, attorney, or other individual to participate in court proceedings. Under state law, a foreign language interpreter is necessary for certain participants in court proceedings. See [Wis. Stat. § 885.38](#). The person seeking the accommodation, his or her attorney, or some advocate on the person's behalf can complete the form. It may also be completed by court staff in response to a request, such as by telephone. The form can be found on the Wisconsin courts' website, at Wis. Court Sys., *Form GF-153, ADA Accommodation Request*, <https://www.wicourts.gov/forms/GF-153.PDF> (last updated Mar. 2012).

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY _____	
ADA Accommodation Request	
Case No. (if any) _____	

1. Name of Person Requesting Accommodation: _____

Telephone/TTY Number: _____

E-mail Address: _____

Date Request Submitted: _____

Address: _____

2. The person who needs the accommodation is a
☐ party. ☐ witness. ☐ juror. ☐ attorney.
☐ Other: _____

3. The accommodation will be needed
☐ on [Date] _____ at [Time] _____ ☐ a.m. ☐ p.m.
☐ for all proceedings related to this case.

4. The accommodation needed is
☐ Wheelchair space
☐ American Sign Language (ASL) interpreter(s) _____
☐ Other sign language interpreter(s) [Specify] _____
☐ Oral interpreter
☐ Realtime (videotext) translation
☐ Assistive listening device
☐ Large print/enlarged materials
☐ Breaks for medical reasons [State reason/frequency] _____
☐ Other: [Specify] _____

(Complete the following, if different from #1 above.)

5. Name of person completing this form: _____ E-mail Address: _____
Telephone/TTY Number: _____
Mailing Address: _____

APPROVAL

☐ This accommodation request is approved.

☐ This accommodation request is **denied** because: _____

BY:

Court Official/Court ADA Coordinator

File (Print or Type Name if not e-signed)

Order

DISTRIBUTION:
A. Africa

1. Judge
2. Clerk of Court
3. Attorney/Party
4. Other: _____

GP-153, 03/12 ADA Accommodation Request

Title V, Americans with Disabilities Act and ADA Amendments Act, 42 USC §§12101-12113, §§48-206, 105A-107, 105A-108(a), 105A-109, 105A-110, 105A-111, 105A-112, 105A-113, 105A-114, 105A-115, 105A-116, 105A-117, 105A-118, 105A-119, 105A-120, 105A-121, 105A-122, 105A-123, 105A-124, 105A-125, 105A-126, 105A-127, 105A-128, 105A-129, 105A-130, 105A-131, 105A-132, 105A-133, 105A-134, 105A-135, 105A-136, 105A-137, 105A-138, 105A-139, 105A-140, 105A-141, 105A-142, 105A-143, 105A-144, 105A-145, 105A-146, 105A-147, 105A-148, 105A-149, 105A-150, 105A-151, 105A-152, 105A-153, 105A-154, 105A-155, 105A-156, 105A-157, 105A-158, 105A-159, 105A-160, 105A-161, 105A-162, 105A-163, 105A-164, 105A-165, 105A-166, 105A-167, 105A-168, 105A-169, 105A-170, 105A-171, 105A-172, 105A-173, 105A-174, 105A-175, 105A-176, 105A-177, 105A-178, 105A-179, 105A-180, 105A-181, 105A-182, 105A-183, 105A-184, 105A-185, 105A-186, 105A-187, 105A-188, 105A-189, 105A-190, 105A-191, 105A-192, 105A-193, 105A-194, 105A-195, 105A-196, 105A-197, 105A-198, 105A-199, 105A-200, 105A-201, 105A-202, 105A-203, 105A-204, 105A-205, 105A-206, 105A-207, 105A-208, 105A-209, 105A-210, 105A-211, 105A-212, 105A-213, 105A-214, 105A-215, 105A-216, 105A-217, 105A-218, 105A-219, 105A-220, 105A-221, 105A-222, 105A-223, 105A-224, 105A-225, 105A-226, 105A-227, 105A-228, 105A-229, 105A-230, 105A-231, 105A-232, 105A-233, 105A-234, 105A-235, 105A-236, 105A-237, 105A-238, 105A-239, 105A-240, 105A-241, 105A-242, 105A-243, 105A-244, 105A-245, 105A-246, 105A-247, 105A-248, 105A-249, 105A-250, 105A-251, 105A-252, 105A-253, 105A-254, 105A-255, 105A-256, 105A-257, 105A-258, 105A-259, 105A-260, 105A-261, 105A-262, 105A-263, 105A-264, 105A-265, 105A-266, 105A-267, 105A-268, 105A-269, 105A-270, 105A-271, 105A-272, 105A-273, 105A-274, 105A-275, 105A-276, 105A-277, 105A-278, 105A-279, 105A-280, 105A-281, 105A-282, 105A-283, 105A-284, 105A-285, 105A-286, 105A-287, 105A-288, 105A-289, 105A-290, 105A-291, 105A-292, 105A-293, 105A-294, 105A-295, 105A-296, 105A-297, 105A-298, 105A-299, 105A-300, 105A-301, 105A-302, 105A-303, 105A-304, 105A-305, 105A-306, 105A-307, 105A-308, 105A-309, 105A-310, 105A-311, 105A-312, 105A-313, 105A-314, 105A-315, 105A-316, 105A-317, 105A-318, 105A-319, 105A-320, 105A-321, 105A-322, 105A-323, 105A-324, 105A-325, 105A-326, 105A-327, 105A-328, 105A-329, 105A-330, 105A-331, 105A-332, 105A-333, 105A-334, 105A-335, 105A-336, 105A-337, 105A-338, 105A-339, 105A-340, 105A-341, 105A-342, 105A-343, 105A-344, 105A-345, 105A-346, 105A-347, 105A-348, 105A-349, 105A-350, 105A-351, 105A-352, 105A-353, 105A-354, 105A-355, 105A-356, 105A-357, 105A-358, 105A-359, 105A-360, 105A-361, 105A-362, 105A-363, 105A-364, 105A-365, 105A-366, 105A-367, 105A-368, 105A-369, 105A-370, 105A-371, 105A-372, 105A-373, 105A-374, 105A-375, 105A-376, 105A-377, 105A-378, 105A-379, 105A-380, 105A-381, 105A-382, 105A-383, 105A-384, 105A-385, 105A-386, 105A-387, 105A-388, 105A-389, 105A-390, 105A-391, 105A-392, 105A-393, 105A-394, 105A-395, 105A-396, 105A-397, 105A-398, 105A-399, 105A-400, 105A-401, 105A-402, 105A-403, 105A-404, 105A-405, 105A-406, 105A-407, 105A-408, 105A-409, 105A-410, 105A-411, 105A-412, 105A-413, 105A-414, 105A-415, 105A-416, 105A-417, 105A-418, 105A-419, 105A-420, 105A-421, 105A-422, 105A-423, 105A-424, 105A-425, 105A-426, 105A-427, 105A-428, 105A-429, 105A-430, 105A-431, 105A-432, 105A-433, 105A-434, 105A-435, 105A-436, 105A-437, 105A-438, 105A-439, 105A-440, 105A-441, 105A-442, 105A-443, 105A-444, 105A-445, 105A-446, 105A-447, 105A-448, 105A-449, 105A-450, 105A-451, 105A-452, 105A-453, 105A-454, 105A-455, 105A-456, 105A-457, 105A-458, 105A-459, 105A-460, 105A-461, 105A-462, 105A-463, 105A-464, 105A-465, 105A-466, 105A-467, 105A-468, 105A-469, 105A-470, 105A-471, 105A-472, 105A-473, 105A-474, 105A-475, 105A-476, 105A-477, 105A-478, 105A-479, 105A-480, 105A-481, 105A-482, 105A-483, 105A-484, 105A-485, 105A-486, 105A-487, 105A-488, 105A-489, 105A-490, 105A-491, 105A-492, 105A-493, 105A-494, 105A-495, 105A-496, 105A-497, 105A-498, 105A-499, 105A-500, 105A-501, 105A-502, 105A-503, 105A-504, 105A-505, 105A-506, 105A-507, 105A-508, 105A-509, 105A-510, 105A-511, 105A-5

This form shall not be modified. It may be supplemented with additional material.

Appendix B

SCR Chapter 63

Code of Ethics for Court Interpreters^{*}

63.001 Citation of rules; definitions. (1) SCR 63.001 to 63.10 may be cited as the “Code of Ethics for Court Interpreters.”

(2) In this chapter “code” means the Code of Ethics for Court Interpreters.

(3) “Shall” is used in the code to define principles to which adherence is required.

63.002 Preamble. Many persons are partially or completely excluded from participation in court proceedings due to limited proficiency in the English language, as described in ss. 885.37 (1) (b) and 885.38 (1) (b), stats. Communication barriers must be removed as much as is reasonably possible so that these persons may enjoy equal access to justice. Qualified interpreters are highly skilled professionals who help judges conduct hearings justly and efficiently when communication barriers exist.

63.003 Applicability. The code governs the delivery of services by foreign language and sign language interpreters working in the courts of the State of Wisconsin. Its purpose is to define the duties of interpreters and thereby enhance the administration of justice and promote public confidence in the courts. The code also applies to real time reporters when functioning in the capacity of providing access to court users.

63.004 Interpretation. The comments accompanying this code are not adopted. The comments are intended as guides to interpretation, but the text of each rule is authoritative. If a court policy or routine practice appears to conflict with any provision of the code the policy or practice should be reviewed for modification.

63.01 Accuracy and completeness. Interpreters shall render a complete and accurate interpretation or sight translation by reproducing in the target language the closest natural equivalent of the source language message, without altering, omitting, or adding anything to the meaning of what is stated or written, and without explanation.

Comment

Interpreters have a twofold role: (1) to ensure that court proceedings reflect, in English, precisely what was said by persons of limited English proficiency; and (2) to place persons of limited English proficiency on an equal footing with persons who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Therefore, interpreters are required to apply their best skills and judgment to preserve, as faithfully as is reasonably possible and without editing, the meaning of what is said, including the style or register of speech, the ambiguities and nuances of the speaker, and the level of language that best conveys the original meaning of the source language. Verbatim, “word for word,” or literal oral interpretations are inappropriate when they distort the meaning of what was said in the source language. However, every spoken statement, even if it appears non-responsive, obscene, rambling, or incoherent should be interpreted. This includes apparent misstatements.

Interpreters should not interject any statement or elaboration of their own. If the need arises to explain an interpreting problem, such as a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify, the interpreter should ask the court’s permission to provide an explanation.

Spoken language interpreters should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker’s emotions, or dramatic gestures. Sign language interpreters, however, must employ all of the visual cues that the language they are interpreting for requires—including facial expressions, body language, and hand gestures. Judges should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct. Any challenge to the interpreter’s conduct should be directed to the judge.

The obligation to preserve accuracy includes the interpreter’s duty to correct any errors of interpretation discovered during the proceeding. Interpreters should demonstrate their professionalism by objectively analyzing any challenge to their performance.

The ethical responsibility to interpret accurately and completely includes the responsibility of being properly prepared for interpreting assignments. Interpreters are encouraged to obtain documents and other information necessary to familiarize themselves with the nature and purpose of a proceeding. Prior preparation is generally described below, and is especially important when testimony or documents include highly specialized terminology and subject matter.

In order to avoid any impropriety or appearance of impropriety, interpreters should seek leave of the court before conducting any preparation other than the review of public documents in the court file. Courts should in their discretion freely grant such leave in order to assist interpreters to discharge their professional responsibilities.

Preparation might include but is not limited to:

- (1) review of public documents in the court file, such as motions and supporting affidavits, witness lists and jury instructions; the criminal complaint, information, and preliminary hearing transcript in a criminal case; and the summons, complaint, and answer in a civil case;
- (2) review of documents in the possession of counsel, such as police reports, witness summaries, deposition transcripts, and presentence investigation reports;
- (3) contacting previous interpreters involved in the case for information on language use/style;
- (4) contacting attorneys involved in the case for additional information on anticipated testimony or exhibits;
- (5) anticipating and discussing interpreting issues related to the case with the judge, but only in the presence of counsel unless the court directs otherwise.

63.02 Representation of qualifications. Interpreters shall accurately and completely represent their certifications, training, and experience.

Comment

Acceptance of a case by an interpreter conveys linguistic competency in legal settings. Withdrawing, or being asked to withdraw, after a court proceeding has begun is disruptive and wasteful of scarce public resources. It is therefore essential that interpreters present a complete and truthful account of their training, certifications, and experience prior to appointment so the court can fairly evaluate their qualifications for delivering interpreting services.

63.03 Impartiality and avoidance of conflict of interest. Interpreters shall be impartial and unbiased, and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest to the judge and the parties.

Comment

Interpreters serve as officers of the court. Their duties in a court proceeding are to serve the court and the public regardless of whether publicly or privately retained.

Interpreters should avoid any conduct or behavior that presents the appearance of favoritism toward anyone. Interpreters should maintain professional relationships with persons using their services, discourage personal dependence on the interpreter, and avoid participation in the proceedings other than as an interpreter.

During the course of the proceedings, interpreters of record should not converse with parties, witnesses, jurors, attorneys, or with friends or relatives of any party, except in the discharge of their official functions. Official functions may include an informal pre-appearance assessment to include the following:

- (1) culturally appropriate introductions;
- (2) a determination of variety, mode, or level of communication;
- (3) a determination of potential conflicts of interest; and
- (4) a description of the interpreter's role and function.

Interpreters should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions, or opinions must be avoided at all times. Interpreters shall not solicit or accept any payment, gift, or gratuities in addition to compensation from the court.

Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest and must be disclosed to the judge. Interpreters should only divulge necessary information when disclosing the conflict of interest. The disclosure shall not include privileged or confidential information. The following circumstances create potential conflicts of interest that must be disclosed:

- (1) the interpreter is a friend, associate, or relative of a party, counsel for a party, a witness, or a victim (in a criminal case) involved in the proceedings;
- (2) the interpreter or the interpreter's friend, associate, or relative has a financial interest in the subject matter in controversy, a shared financial interest with a party to the proceeding, or any other interest that might be affected by the outcome of the case;
- (3) the interpreter has served in an investigative capacity for any party involved in the case;
- (4) the interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;

- (5) the interpreter is an attorney in the case at issue;
- (6) the interpreter has previously been retained for employment by one of the parties; or
- (7) for any other reason, the interpreter's independence of judgment would be compromised in the course of providing services.

The existence of any one of the above-mentioned circumstances must be carefully evaluated by the court, but does not alone disqualify an interpreter from providing services if the interpreter is able to render services objectively. The interpreter should disclose to the court any indication that the recipient of interpreting services views the interpreter as being biased. If an actual or apparent conflict of interest exists, the court must decide whether removal is appropriate based upon the totality of the circumstances.

63.04 Professional demeanor. Interpreters shall conduct themselves in a manner consistent with the dignity of the court.

Comment

Interpreters should know and observe the established protocol, rules, and procedures for delivering interpreting services. When speaking in English, interpreters should speak at a rate and volume that enables them to be heard and understood throughout the courtroom. Interpreters should be as unobtrusive as possible and should not seek to draw inappropriate attention to themselves while performing their professional duties. This includes any time the interpreter is present, even though not actively interpreting.

Interpreters should avoid obstructing the view of anyone involved in the proceedings, but should be appropriately positioned to facilitate communication. Interpreters who use sign language or other visual modes of communication must be positioned so that signs, facial expressions, and whole body movements are visible to the person for whom they are interpreting and be repositioned to accommodate visual access to exhibits as necessary.

Interpreters are encouraged to avoid personal or professional conduct that could discredit the court.

Interpreters should support other interpreters by sharing knowledge and expertise with them to the extent practicable in the interests of the court.

63.05 Confidentiality. Interpreters shall protect the confidentiality of all privileged and other confidential information.

Comment

Interpreters must protect and uphold the confidentiality of all privileged information obtained during the course of their duties. It is especially important that interpreters understand and uphold the attorney-client privilege that requires confidentiality with respect to any communications between attorney and client. This rule also applies to other types of privileged communications. Interpreters must also refrain from repeating or disclosing information obtained by them in the course of their employment that may be relevant to the legal proceeding.

In the event that an interpreter becomes aware of information that indicates probable imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to the presiding judge. In an emergency, the interpreter should disclose the information to an appropriate authority.

Interpreters shall never take advantage of knowledge obtained in the performance of duties, or by their access to court records, facilities, or privileges, for their own or another's personal gain.

63.06 Restriction on public comment. Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential, except to facilitate training and education.

Comment

Generally, interpreters should not discuss interpreter assignments with anyone other than persons who have a formal duty associated with the case. However, interpreters may share information for training and education purposes, divulging only so much information as is required to accomplish this purpose. Unless so ordered by a court, interpreters must never reveal privileged or confidential information for any purpose, including training and education.

63.07 Scope of practice. Interpreters shall limit themselves to interpreting or translating and shall not give legal or other advice, express personal opinions to persons using their services, or engage in any other activities that may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Comment

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting or translating only, including official functions as described in the commentary to Rule 63.03. Interpreters, however, may be required to initiate communications during a proceeding when they find it necessary to seek direction from the court in performing their duties. Examples of such circumstances include seeking direction for the court when unable to understand or express a word or thought, requesting speakers to adjust their rate of speech, repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to satisfy an assignment competently. In such instances, interpreters should make it clear that they are speaking for themselves.

Interpreters may convey legal advice from an attorney to a person only while that attorney is giving it. Interpreters should not explain the purpose or contents of forms, services, or otherwise act as counselors or advisors unless they are interpreting for someone who is acting in that official capacity. Interpreters may translate language on a form for a person who is filling out the form, but should not explain the form or its purpose for such a person.

While engaged in the function of interpreting, interpreters should not personally perform official acts that are the official responsibility of other court officials.

63.08 Assessing and reporting impediments to performance. Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, the interpreters shall immediately convey that reservation to the appropriate judicial authority.

Comment

If the communication mode, dialect, or speech of the person of limited English proficiency cannot be readily interpreted, the interpreter should notify the appropriate judicial authority, such as a supervisory interpreter, a judge, or another official with jurisdiction over interpreter matters.

Interpreters should notify the appropriate judicial authority of any circumstances (environmental or physical limitations) that impede the ability to deliver interpreting services adequately. These circumstances may include that the courtroom is not quiet enough for the interpreter to hear or be heard by the person of limited English proficiency, more than one person is speaking at the same time, or the speaker is speaking too quickly for the interpreter to adequately interpret. Sign language interpreters must make sure that they can both see and convey the full range of visual language elements that are necessary for communication, including facial expressions and body movements, as well as hand gestures.

Interpreters should notify the judge of the need to take periodic breaks in order to maintain mental and physical alertness and prevent interpreter fatigue. Interpreters should inform the court when the use of team interpreting is necessary.

Even competent and experienced interpreters may encounter situations where routine proceedings suddenly involve slang, idiomatic expressions, regional dialect, or technical or specialized terminology unfamiliar to the interpreter such as the unscheduled testimony of an expert witness. When such situations occur, interpreters should request a brief recess in order to familiarize themselves with the subject matter. If familiarity with the terminology requires extensive time or more intensive research, interpreters should inform the judge.

Interpreters should refrain from accepting a case if they believe its language and subject matter is likely to exceed their capacities. Interpreters should also notify the judge if, during the course of a proceeding they conclude that they are unable to perform adequately for any reason.

63.09 Duty to report ethical violations. Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and translating.

Comment

Because the users of interpreting services frequently misunderstand the proper role of interpreters, they may ask or expect the interpreters to perform duties or engage in activities that run counter to the provisions of the code or other law, rules, regulations, or policies governing court interpreters. It is incumbent upon the interpreters to explain their professional obligations to the user. If, having been apprised of these obligations, the person persists in demanding that the interpreters violate them, the interpreters should turn to a supervisory interpreter, a judge, or another official with jurisdiction over interpreter matters to resolve the situation.

63.10 Professional development. Interpreters shall improve their skills and knowledge and advance the profession through activities such as professional training and education and interaction with colleagues and specialists in related fields.

Comment

Interpreters must improve their interpreting skills and increase their knowledge of the languages they work in professionally, including past and current trends in slang, idiomatic expression, changes in dialect, technical terminology, and social and regional dialects, as well as their applicability within court proceedings.

Interpreters should keep informed of all statutes, rules of court, and policies of the judiciary that govern the performance of their professional duties.

Interpreters should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, and reading current literature in the field.

Appendix C

Selected Wisconsin Statutes

Related to Court Interpreters ^{*}

20.625(1)(cg), (k)	Circuit courts.
46.295	Interpreters for the hearing-impaired.
48.315(1)(h)	Delays, continuances and extensions.
767.001(1), (2), (3)	State policy on jury service; Opportunity and obligation to serve as juror.
756.02	Juror qualifications.
758.19(5)(b)	Director of state courts.
807.14	Interpreters.
814.67	Fees of witnesses and interpreters.
885.37	Interpreters in municipal courts and administrative agency contested cases.
885.38	Interpreters in circuit and appellate courts.
901.09	Submission of writings; languages other than English.
905.015	Interpreters for persons with language difficulties, limited English proficiency, or hearing or speaking impairments.
906.14	Interpreters.
938.315(1)(a)9.	Delays, continuances and extensions.
967.09	Interpreters may serve by telephone or video.

20.625 Circuit courts. There is appropriated to the director of state courts for the following programs:

(1) COURT OPERATIONS.

(cg) *Circuit court costs.* Biennially, the amounts in the schedule to make payments to counties for circuit court costs under s. 758.19(5).

(k) *Court interpreters.* The amounts in the schedule to pay interpreter fees reimbursed under s. 758.19. All moneys transferred from the appropriation account under s. 20.455(2)(i)16. shall be credited to this appropriation account. Notwithstanding s. 20.001(3) (a), the unencumbered balance on June 30 of each year shall be transferred to the appropriation account under s. 20.455(2)(i).

46.295 Interpreters for the hearing-impaired. (1) The department may, on the request of any hearing-impaired person, city, village, town, or county or private agency, provide funds from the appropriation accounts under s. 20.435(1)(da) and (hs) to reimburse interpreters for hearing-impaired persons for the provision of interpreter services.

(2) The department shall grant priority to requests to pay fees charged by interpreters for the following, in the following order:

(a) Emergencies.

(b) Medical, mental health, alcohol and drug abuse, psychiatric and psychological services.

(c) Legal services and civil court proceedings.

(d) Matters concerning law enforcement personnel.

(e) Matters concerning any federal, state, county or municipal agency.

(3) The department shall maintain lists of qualified interpreters under s. 885.37(5)(b).

(4) The department may use as an interpreter for hearing-impaired persons only the following:

(a) An interpreter for hearing-impaired persons who is certified by the national registry of interpreters for the deaf.

(b) If an interpreter under par. (a) is unavailable, an interpreter for hearing-impaired persons whose qualifications have been determined appropriate by the department.

(5) The department may bill any public or private agency at the rates established by the department for interpreter services for hearing-impaired persons commensurate with the certification or qualification level of the interpreter providing services if the department determines that the agency is required under state or federal law to provide interpreter services to a hearing-impaired person or if the agency agrees to pay for the services.

(6) The department shall promulgate rules to implement this section.

48.315 Delays, continuances and extensions. (1) The following time periods shall be excluded in computing time periods under this chapter:

(h) Any period of delay resulting from the need to appoint a qualified interpreter.

756.001 State policy on jury service; opportunity and obligation to serve as juror. (1) Trial by jury is a cherished constitutional right.

(2) Jury service is a civic duty.

(3) No person who is qualified and able to serve as a juror may be excluded from that service in any court of this state on the basis of sex, race, color, sexual orientation as defined in s. 111.32(13m), disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry, or because of a physical condition.

756.02 Juror qualifications. Every resident of the area served by a circuit court who is at least 18 years of age, a U.S. citizen and able to understand the English language is qualified to serve as a juror in that circuit unless that resident has been convicted of a felony and has not had his or her civil rights restored.

758.19 Director of state courts. (5)(b) From the appropriation under s. 20.625(1)(cg), the director of state courts shall make payments to counties for circuit court costs. The director of state courts, at the direction of the supreme court, shall define circuit court costs for the purposes of this subsection.

807.14 Interpreters. On request of any party, the court may permit an interpreter to act in any civil proceeding other than trial by telephone or live audiovisual means.

814.67 Fees of witnesses and interpreters. (1) The fees of witnesses and interpreters shall be as follows:

(a) For attending before a municipal judge, an arbitrator, or any officer, board or committee:

1. For witnesses, \$5 per day.

2. For interpreters, \$10 per one-half day or such higher fees as the municipality or county board may establish.

(am) For witnesses attending before a circuit court, \$16 per day.

(b) For attending before the court of appeals or the supreme court:

1. For witnesses, \$16 per day.

2. For interpreters, a fee determined by the supreme court.

(bg) For interpreters assisting the state public defender in representing an indigent in preparing for court proceedings, \$35 per one-half day.

(c) 1. For a witness, the rate of 20 cents per mile for either of the following:

a. Traveling from his or her residence to the place of attendance, and returning by the usually traveled route between such points if his or her residence is within the state.

b. Traveling from the point where he or she crosses the state boundary to the place of attendance and returning by the usually traveled route between such points if his or her residence is outside the state.

2. a. Except as provided in subd. 2. b., for an interpreter, the mileage rate set under s. 20.916(8) for traveling from his or her residence to the place of attendance and returning by the usually traveled route between such points.

b. For an interpreter traveling to the place of attendance from his or her place of residence outside the state, the number of miles between the interpreter's residence and the point at which he or she crosses the state boundary for which the interpreter may receive reimbursement under this subdivision may not exceed 100 miles each way, following the usually traveled route between such points.

(2) A witness or interpreter is entitled to fees only for the time he or she is in actual and necessary attendance as such; and is not entitled to receive pay in more than one action or proceeding for the same attendance or travel on behalf of the same party. A person is not entitled to fees as a witness or interpreter while attending court as an officer or juror. An attorney or counsel in any cause may not be allowed any fee as a witness or interpreter therein.

885.37 Interpreters in municipal courts and administrative agency contested cases. (1) (b) If a municipal court has notice that a person who is a juvenile or parent subject to ch. 938, or who is a witness in a proceeding under ch. 938, has a language difficulty because of the inability to speak or understand English, has a hearing impairment, is unable to speak or has a speech defect, the court shall make a factual determination of whether the language difficulty or the hearing or speaking impairment is sufficient to prevent the individual from communicating with his or her attorney, reasonably understanding the English testimony or reasonably being understood in English. If the court determines that an interpreter is necessary, the court shall advise the person that he or she has a right to a qualified interpreter and that, if the person cannot afford one, an interpreter will be provided for him or her at the public's expense. Any waiver of the right to an interpreter is effective only if made voluntarily in person, in open court and on the record.

(2) A municipal court may authorize the use of an interpreter in actions or proceedings in addition to those specified in sub. (1) (b).

(3)(a) In this subsection:

1. "Agency" includes any official, employee or person acting on behalf of an agency.

2. "Contested case" means a proceeding before an agency in which, after a hearing required by law, substantial interests of any party to the proceeding are determined or adversely affected by a decision or order in the proceeding and in which the assertion by one party of any such substantial interest is denied or controverted by another party to the proceeding.

(b) In any administrative contested case proceeding before a state, county or municipal agency, if the agency conducting the proceeding has notice that a party to the proceeding has a language difficulty because of the inability to speak or understand English, has a hearing impairment, is unable to speak or has a speech defect, the agency shall make a factual determination of whether the language difficulty or hearing or speaking impairment is sufficient to prevent the party from communicating with others, reasonably understanding the English testimony or reasonably being understood in English. If the agency determines that an interpreter is necessary, the agency shall advise the party that he or she has a right to a qualified interpreter. After considering the party's ability to pay and the other needs of the party, the agency may provide for an interpreter for the party at the public's expense. Any waiver of the right to an interpreter is effective only if made at the administrative contested case proceeding.

(3m) Any agency may authorize the use of an interpreter in a contested case proceeding for a person who is not a party but who has a substantial interest in the proceeding.

(4) (a) The necessary expense of furnishing an interpreter for an indigent person in a municipal court shall be paid by the municipality.

(b) The necessary expense of furnishing an interpreter for an indigent party under sub. (3) shall be paid by the unit of government for which the proceeding is held.

(c) The court or agency shall determine indigency under this section.

(5) (a) If a municipal court under sub. (1)(b) or (2) or an agency under sub. (3) decides to appoint an interpreter, the court or agency shall follow the applicable procedure under par. (b) or (c).

(b) The department of health services shall maintain a list of qualified interpreters for use with persons who have hearing impairments. The department shall distribute the list, upon request and without cost, to courts and agencies who must appoint interpreters. If an interpreter needs to be appointed for a person who has a hearing impairment, the court or agency shall appoint a qualified interpreter from the list. If no listed interpreter is available or able to interpret, the court or agency shall appoint as interpreter another person who is able to accurately communicate with and convey information to and receive information from the hearing-impaired person.

(c) If an interpreter needs to be appointed for a person with an impairment or difficulty not covered under par. (b), the court or agency may appoint any person the court or agency decides is qualified.

885.38 Interpreters in circuit and appellate courts. (1) In this section:

(a) "Court proceeding" means any proceeding before a court of record.

(b) "Limited English proficiency" means any of the following:

1. The inability, because of the use of a language other than English, to adequately understand or communicate effectively in English in a court proceeding.

2. The inability, due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability, to adequately hear, understand, or communicate effectively in English in a court proceeding.

(c) "Qualified interpreter" means a person who is able to do all of the following:

1. Readily communicate with a person who has limited English proficiency.

2. Orally transfer the meaning of statements to and from English and the language spoken by a person who has limited English proficiency in the context of a court proceeding.

3. Readily and accurately interpret for a person who has limited English proficiency, without omissions or additions, in a manner that conserves the meaning, tone, and style of the original statement, including dialect, slang, and specialized vocabulary.

(2) The supreme court shall establish the procedures and policies for the recruitment, training, and certification of persons to act as qualified interpreters in a court proceeding and for the fees imposed for the training and certification, and for the coordination,

discipline, retention, and training of those interpreters. Any fees collected under this subsection shall be credited to the appropriation under s. 20.680(2)(gc).

(3) (a) If the court determines that the person has limited English proficiency and that an interpreter is necessary, the court shall advise the person that he or she has the right to a qualified interpreter at the public's expense if the person is one of the following:

1. A party in interest.
2. A witness, while testifying in a court proceeding.
3. An alleged victim, as defined in s. 950.02(4).
4. A parent or legal guardian of a minor party in interest or the legal guardian of a party in interest.
5. Another person affected by the proceedings, if the court determines that the appointment is necessary and appropriate.

(b) The court may appoint more than one qualified interpreter in a court proceeding when necessary.

(c) If a person with limited English proficiency, as defined in sub. (1)(b)2., is part of a jury panel in a court proceeding, the court shall appoint a qualified interpreter for that person.

(d) If a person with limited English proficiency requests the assistance of the clerk of circuit courts regarding a legal proceeding, the clerk may provide the assistance of a qualified interpreter to respond to the person's inquiry.

(e) A qualified interpreter appointed under this subsection may, with the approval of the court, provide interpreter services outside the court room that are related to the court proceedings, including during court-ordered psychiatric or medical exams or mediation.

(f) A court may authorize the use of a qualified interpreter in actions or proceedings in addition to those specified in par. (a).

(4) (a) The court may accept a waiver of the right to a qualified interpreter by a person with limited English proficiency at any point in the court proceeding if the court advises the person of the nature and effect of the waiver and determines on the record that the waiver has been made knowingly, intelligently, and voluntarily.

(b) At any point in the court proceeding, for good cause, the person with limited English proficiency may retract his or her waiver and request that a qualified interpreter be appointed.

(5) Every qualified interpreter, before commencing his or her duties in a court proceeding, shall take a sworn oath that he or she will make a true and impartial interpretation. The supreme court may approve a uniform oath for qualified interpreters.

(6) Any party to a court proceeding may object to the use of any qualified interpreter for good cause. The court may remove a qualified interpreter for good cause.

(7) The delay resulting from the need to locate and appoint a qualified interpreter may constitute good cause for the court to toll the time limitations in the court proceeding.

(8) (a) Except as provided in par. (b), the necessary expenses of providing qualified interpreters to persons with limited English proficiency under this section shall be paid as follows:

1. The county in which the circuit court is located shall pay the expenses in all proceedings before a circuit court and when the clerk of circuit court uses a qualified interpreter under sub. (3) (d). The county shall be reimbursed in the manner determined by the director of state courts under s. 758.19 for expenses paid under this subdivision.

2. The court of appeals shall pay the expenses in all proceedings before the court of appeals.

3. The supreme court shall pay the expenses in all proceedings before the supreme court.

(b) The state public defender shall pay the expenses for interpreters assisting the state public defender in representing an indigent person in preparing for court proceedings.

901.09 Submission of writings; languages other than English. (1) The court may require that a writing in a language other than English offered in evidence be accompanied by a written translation of the writing into English with an attached affidavit by the translator stating his or her qualifications to perform the translation and certifying that the translation is true and correct.

(2) A party may object to all or parts of a translation offered under sub. (1) or to the qualifications of the translator. The court may order a party objecting to all or part of a translation to submit an alternate translation of those parts of the original translation to which the party objects, accompanied by a translator's affidavit as described in sub. (1). If an objection is made to the qualifications of the translator and the court finds that the translator is not qualified the court may reject the offered translation on that ground alone without requiring an alternative translation by the objecting party.

(3) The court may require a party offering into evidence a translation under sub. (1) or an alternative translation ordered by the court under sub. (2) to bear the cost of the translation.

Comment, 2010: This rule is not intended to apply strictly to evidence in documentary form. Parties often offer evidence not contained in documents that consists of or contains statements made in a foreign language, for example, recordings of telephone calls to 911 operators, recordings of police interrogations, and surveillance recordings. The better practice when offering such evidence is for a party to offer a written transcript of the recording, to aid the jury or the court in understanding the recording. Sometimes the transcript is received as evidence, but not always, and in any event the recording is considered primary and the transcript merely an aid. If a party offers in evidence a recording accompanied by a transcript, this rule governs the transcript.

905.015 Interpreters for persons with language difficulties, limited English proficiency, or hearing or speaking impairments. (1) If an interpreter for a person with a language difficulty, limited English proficiency, as defined in s. 885.38(1)(b), or a hearing or speaking impairment interprets as an aid to a communication which is privileged by statute, rules adopted by the supreme court, or the U.S. or state constitution, the interpreter may be prevented from disclosing the communication by any person who has a right to claim the privilege. The interpreter may claim the privilege but only on behalf of the person who has the right. The authority of the interpreter to do so is presumed in the absence of evidence to the contrary.

(2) In addition to the privilege under sub. (1), a person who is licensed as an interpreter under s. 440.032(3) may not disclose any aspect of a confidential communication facilitated by the interpreter unless one of the following conditions applies:

- (a) All parties to the confidential communication consent to the disclosure.
- (b) A court determines that the disclosure is necessary for the proper administration of justice.

906.04 Interpreters. An interpreter is subject to the provisions of chs. 901 to 911 relating to qualification as an expert and the administration of an oath or affirmation that the interpreter will make a true translation.

938.315 Delays, continuances and extensions. (1) TIME PERIODS TO BE EXCLUDED. The following time periods shall be excluded in computing time periods under this chapter:

- (a) Any period of delay resulting from any of the following:
 - 9. The need to appoint a qualified interpreter.

967.09 Interpreters may serve by telephone or video. On request of any party, the court may permit an interpreter to act in any criminal proceeding, other than trial, by telephone or live audiovisual means.

Appendix D

Court Interpreter Training and Certification^{*}

How to get certified

The certification process for candidates who would like to interpret in Wisconsin courts includes a series of steps that must be completed in order. For detailed information on each requirement follow the links below.

- Step 1: Two-day orientation
- Step 2: Written examination
- Step 3: Oral examination

Other requirements

The other requirements for obtaining certification include filling out an oath of office form, court observation, keeping updated contact information on file with the Court Interpreter Program (CIP) and completion of a character and fitness screening.

Character and fitness screening process

In order to protect the integrity of court proceedings and the safety of the public, interpreters are required to meet a character and fitness standard. A court interpreter should be one whose record of conduct justifies the trust of the courts, witnesses, jurors, attorneys, parties, and the public. A record manifesting significant deficiency in the honesty, trustworthiness, diligence or reliability of an applicant is material to performance as a court interpreter and may warrant a denial of participation within the certification program or removal from the roster of interpreters.

Criminal background check

The CIP will conduct a criminal background check on all new participants who complete orientation through the Wisconsin Department of Justice Crime Information Bureau (DOJ-CIB) and/or the Wisconsin Circuit Court Access (WCCA) website. The CIP will conduct a criminal background check annually on all interpreters listed on the roster through DOJ-CIB and/or WCCA.

For new participants, if the CIP finds a criminal conviction that may be material to the candidate's performance as a court interpreter, but the candidate does not intend to pursue certification, no action will be taken. If the CIP finds a criminal conviction

that may be material to the interpreter candidate's performance as a court interpreter and the candidate intends to pursue certification, the matter will be referred to the Character and Fitness Sub-Committee. Cause for referral to the Character and Fitness Sub-Committee may include arrests; conviction of a felony; crimes involving dishonesty, deceit, or misrepresentation; crimes requiring registration as a sex offender; arrests or convictions of similar offenses in other jurisdictions; or other illegal behavior. In making a determination whether referral to the sub-committee is appropriate, the CIP manager may take into consideration other factors such as age of candidate when the conviction occurred, length of time from when the crime was committed, nature and seriousness of the offense, and disposition.

For interpreters listed on the roster, any new criminal conviction(s) will automatically be referred to the Character and Fitness Sub-Committee for review. While a character and fitness review is pending, the Director may suspend the interpreter's certification or appearance on the roster if it appears the interpreter's continued practice as an interpreter poses a substantial threat or harm to the public or to the integrity of the court system.

Character and Fitness Sub-Committee

The Character and Fitness Sub-Committee (the Sub-Committee) is a permanent group consisting of three (3) rotating members of the Committee. The composition of the Sub-Committee at all times will include at least one (1) judge. The Sub-Committee's charge is to consider all relevant information presented and to make a recommendation to the Director as to whether the interpreter's character and fitness are sufficient to ensure the integrity and competence of interpreting services and the maintenance of high standards in the administration of justice.

Character and fitness review process

If the matter is referred to the Sub-Committee, the CIP manager will gather relevant information related to the conduct in question. Relevant information may include but is not limited to search results from the DOJ-CIB, records from WCCA, criminal complaint, information, conditions of bond or release, judgment of conviction, and law enforcement investigative reports. The CIP manager will send a cover letter along with a copy of all supporting relevant information via email and U.S. postal service to the individual. The individual will have twenty (20) days from the date listed on the cover letter to submit a signed written response to the CIP either via email or postal service.

The individual may also request an in-person hearing with the Sub-Committee in lieu of submitting a written response or in addition to submitting a written response. If an in-person hearing is requested, a date, time, and location at which all Sub-Committee members can meet in person will be scheduled. The CIP will provide the interpreter with written notice of the hearing via email and postal service. The interpreter may be represented by counsel and may present evidence. The Sub-Committee may request or gather additional information at the conclusion of the hearing. All hearings will be recorded and shall be private and confidential.

Within twenty (20) business days of submission of a written response or within twenty (20) business days of the conclusion of the investigation, the Sub-Committee will issue a report and recommendation to the Director as to whether the interpreter candidate possesses the character and fitness necessary to perform the duties of a court interpreter. If the individual did not provide a written response to the Sub-Committee for consideration, members shall make a recommendation with the supporting information alone. Members may consider the individual's lack of response when making its recommendation.

Upon receipt and review of the Sub-Committee's report and recommendation, the Director will issue a final decision as to whether the interpreter will be allowed to remain on the roster or whether the individual will be allowed to continue with the certification process if he or she is not currently on the roster. A letter shall be sent to the interpreter informing him or her of the Director's decision along with the report and recommendation of the Sub-Committee and copies of any information the Sub-Committee may have considered in making its recommendation.

If an interpreter has been removed from the roster or not been allowed to continue with the certification process, the interpreter may apply for reconsideration after a two-year period from the date of removal or denial has passed or other specified date as determined by the Director. The review process governing character and fitness evaluations, along with any supporting documents submitted on behalf of the interpreter are confidential and will be shared only with the interpreter and court officials involved. The outcome of the review is public.

The 2018 schedule is organized in cycles that allow candidates to complete each step in the certification process in the required order. Each sequence consists of orientation, written test, and oral exam with time between each event for candidates to prepare for the tests. Candidates are not bound by the sequences and may attend any of the events when and where it's most convenient.

Spanish language candidates are required to obtain certification within 2 years from the date they attend orientation while non-Spanish language candidates are required to obtain certification within 5 years from the date they attend orientation otherwise they must retake orientation.

2018–19 Proposed sequences		
Sequence 1		
Date	Event	Location
March 24 & 25	Orientation	Milwaukee
April 20	Written exam	Milwaukee
June 26–27	Oral exam	Madison
Sequence 2		
June 16–17	Orientation	Wisconsin Rapids
July 13	Written exam	Wisconsin Rapids
November 14–15	Oral exam	Madison
Sequence 3		
September 22 & 23	Orientation	Madison
October 25	Written exam	Madison
February 26–27, 2019 (<i>tent.</i>)	Oral exam	Madison

Wisconsin Director of State Courts Court Interpreter Program (CIP) 2018 Orientation and Testing Schedule, <https://www.wicourts.gov/services/interpreter/docs/2018interpretercomplete.pdf>.

Wisconsin also recognizes interpreter certification conferred upon an individual by other entities such as:

- Certification from another state based upon National Center for State Courts (NCSC) exams
- Federal Court Interpreter Certification Exam (FCICE)
- Registry of Interpreters for the Deaf (RID)
- National Association of Judiciary Interpreters and Translators (NAJIT)

Please contact the program manager if you think you may qualify for reciprocity.

If you are new to the field of court interpreting, please take time to read the articles on court interpreting found on the NCSC and NAJIT websites. These materials will give you an overview of the job of a court interpreter.

Court interpreting is a profession that demands a high level of knowledge, skills, and abilities. Many people do not realize that being bilingual alone is insufficient to be competent in the field. If you want to perform at the level of a professional court interpreter, you must:

- Possess an educated mastery of both English and a second language
- Possess a wide range of general knowledge
- Possess knowledge of court terminology in both languages
- Be able to perform the three modes of interpreting:
 1. Simultaneous—rendering an interpretation continuously at the same time someone is speaking from the source language (usually from English) into the language of one of the parties or target language.
 2. Consecutive—rendering statements made in a source language into statements in the target language intermittently after a pause between each completed statement in the source language.

3. Sight translation—reading a document written in one language while converting it orally into another language, such as presentence reports, letters to judges, court forms, etc.
- Deliver interpreting services in a manner faithful to the code of ethics for court interpreters
 - Understand and adhere to the rules and protocol of the court

Many interpreter candidates who are just starting out do not have all of these qualifications when they first embark on the profession of court interpreting. You can improve your skills over time through observation, study, and practice.

For general information on the court interpreting profession in Wisconsin, see “Wisconsin Court Interpreters: Ensuring Justice for All” brochure, <https://www.wicourts.gov/services/interpreter/docs/interpretingbrochure.pdf>.

Appendix E

Court Interpreter Links^{*}

American Translators Association

<http://www.atanet.org/>

Professional organization of translators and interpreters. Conference announcements, discussion groups, publications, links.

Council of Language Access Coordinators (CLAC)

<http://www.ncsc.org/education-and-careers/state-interpreter-certification.aspx>

Coalition of state court systems working to develop standardized tests of interpreter qualifications and to improve court interpreting policies and practices. Lists resources on court interpreting, language barriers, cultural issues, interpreter training resources, links.

Cultural Orientation

<http://www.culturalorientation.net/>

Describes the culture and language of certain refugee populations: Afghans, Bosnians, Cubans, Haitians, Iraqi Kurds, Iraqis, Somalis, Somali Bantus, and Sudanese.

Ethnologue

<https://www.ethnologue.com/>

Information on world languages provided through a searchable database, as well as publications on cultures, software, and a bibliography on past research work.

U.S. Courts

<http://www.uscourts.gov/glossary>

English glossary of common legal terms in plain English.

National Association of Judiciary Interpreters and Translators (NAJIT)

<https://najit.org/>

Professional organization of court interpreters and legal translators. Conference announcements, degree programs, discussion groups, publications, links.

Registry of Interpreters for the Deaf (RID)

<https://www.rid.org/>

Professional organization of interpreters for the deaf, including court interpreting. Information on training, certification, ethics, ADA, frequently asked questions, links.

Speechpool

<http://www.speechpool.net/en/>

A collaborative site that shares speeches for interpreters to practice interpreting.

Wisconsin Department of Health Services, Office for the Deaf and Hard of Hearing

<https://www.dhs.wisconsin.gov/odhh/interpreting/index.htm>

Provides information on sign language interpreting requirements in Wisconsin as well as other resources for sign interpreters.

Wisconsin State Law Library

<http://wilawlibrary.gov/>

Legal research and information. Describes the role and structure of the courts, steps in a trial, types of laws, explanation of different areas of law, frequently asked questions.

Appendix F**Community Resources**

This is a list of legal services and general services for the Hispanic community, mostly in the Milwaukee and Madison areas. The following list is not meant to be exhaustive, but rather a starting point for telling your clients who to contact if they have other related issues.

Legal Services:*Milwaukee***Catholic Charities**

<https://www.ccmke.org/Catholic-Charities.htm>

(414) 643-8570, Atty. Barbara Graham

Legal services for immigrants

Centro Legal

<https://centrolegalwisconsin.org/>

(414) 384-7900

Legal assistance in nonviolent criminal misdemeanor cases and family matters

Legal Aid Society of Milwaukee

<https://lasmilwaukee.com/>

(414) 727-5300

Legal assistance in public benefits, housing law, consumer and bankruptcy law, elder law, foreclosure defense, landlord/tenant law, mental health, municipal tickets, Social Security, taxes, civil rights, and court appointed services for children and family law matters

Madison

Neighborhood Law Clinic

<http://law.wisc.edu/eji/nlc/>

(608) 265-2441

Legal assistance in rental housing, employment, and public benefits law

Wisconsin

Legal Action of Wisconsin

<http://www.legalaction.org/>

(414) 278-7777

7 agencies in 39 counties

Legal assistance in employment law, drivers' license recovery, Disabled Offenders Economic Security (DOES) Project, housing law, farmworkers' rights, Social Security matters, veterans aid, elder law, family law, welfare, bankruptcy, and consumer matters

General Services for the Hispanic Community

Milwaukee

Council for the Spanish Speaking, Inc./

Centro Hispano Milwaukee

<https://www.centrohispanomke.org/>

(414) 384-3700

Immigration services, ESL, housing law, and bilingual social services

United Migrant Opportunity Services (UMOS)

<http://www.umos.org/>

(414) 389-6000

(800) 279-8667

ESL, W-2 administration, woman's abuse counseling, child development, farmworkers' aid, human trafficking victim services, food pantry, farm labor housing, tobacco use prevention services, HIV prevention services, employment and hiring services, job center, and child support for convicted criminals services

United Community Center (UCC)/

Centro de la Comunidad Unida

<https://www.unitedcc.org/index.htm>

(414) 384-3100

Youth and adult education, elder programs, health and athletics programs, human services, job counseling, and partner with Marquette University Law School Legal Clinic to provide certain legal services

Madison

Centro Hispano of Dane County

<http://www.micentro.org/>

(608) 255-3018

Nuevas Rutas (alternatives to incarceration for Hispanic offenders), general support, youth programs, immigration services, and career support services

Catholic Multicultural Center

<https://cmcmadison.org/>

(608) 661-3512

Employment assistance, English, computer and Spanish literacy classes, crisis food pantry, tax assistance, and immigration legal services

Domestic Abuse Intervention Services

<http://www.abuseintervention.org>

(608) 251-1237 (general information)

(608) 251-4445

(800) 747-4045 (24-hour help/crisis line)

Services for domestic abuse survivors

Tenant Resource Center

<http://www.tenantresourcecenter.org/>

(608) 257-0006, (877) 238-RENT (counseling)

(608) 257-2799 (mediation)

Housing counseling service

Interfaith Coalition for Worker Justice

<http://workerjustice.org/>

(608) 255-0376

Education, workers' rights, and volunteer advocacy

Contacto Latino

Employment & Training Association (EATA)

<http://eata.org/>

(608) 242-7402

Employment and training assistance and referral services

United Migrant Opportunity Services (UMOS)

<http://www.umos.org/>

(608) 249-1180

Employment and training, supportive services, emergency services for migrant and seasonal workers, food pantry, Head Start programs, migrant child care, tobacco use prevention services, and legal services including immigration and visa services, and support for immigrant victims of human trafficking and sexual assault crimes

Wisconsin

UNIDOS Against Domestic Violence

<https://www.unidoswi.org/en>

(608) 256-9195

(800) 510-9195

Statewide coordination of service providers for domestic violence survivors, victim advocacy (support for obtaining restraining orders, divorces, and for other family law matters), training, and technical assistance

Appendix G

Spanish Court Forms

Representatives from the courts' Records Management Committee and the Committee to Improve Interpretation and Translation in the Courts formed an ad hoc "translation sub-committee" identified 16 court forms most needed for translation. Members of the ad hoc group also drafted a court rule to set standards for the format and use of translated forms.

The following are related court forms that have been translated into Spanish, as well as the Supreme Court Rule regarding translated court forms.

1. Bail/Bond

2. Waiver of Right to Attorney
3. Plea Questionnaire/Waiver of Rights
4. Notice of Right to Seek
Postconviction Relief
5. Written Explanation of Determine
Sentence
6. Summons-juvenile
7. Notice of Hearing (Juvenile)
8. Waiver of Right to Attorney
(Child/Juvenile)
9. Plea Questionnaire/Waiver of Rights
(Delinquency)
10. Notice of Right to Seek
Postdisposition Relief
11. Supreme Court Rule 70.155

The forms are available at Wis. Court Sys., *Circuit Court Forms*: *Other* *Languages*,
[https://www.wicourts.gov/forms1/circuit/ccform.jsp?
FormName=&FormNumber=&Language=es&beg_date=
&end_date=&StatuteCite=&Format=&Category=](https://www.wicourts.gov/forms1/circuit/ccform.jsp?FormName=&FormNumber=&Language=es&beg_date=&end_date=&StatuteCite=&Format=&Category=) (last
visited June 19, 2018).

<https://booksunbound.wisbar.org/w/wisbar/AE0185?printMode=multiSelected#!fragment//BQCwhqziBcwMYgK4DsDWszlQewE4BUBTADwBdoBy...> 57/157

Defendant

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Court No.

Rematruenente sin arma alguna.

Federal law prohibits penalties for, and you may be prohibited from possessing, transporting, shipping, receiving or purchasing a firearm, including, but not limited to, a rifle, shotgun, pistol, revolver, or ammunition, pursuant to 18 U.S.C. §§2381-26.

La ley federal impone penas y prohibe la tenencia, transporte, envío, recepción, o compra de armas de fuego, incluyendo, pero no limitadamente, rifles, escopetas, pistolas, revólveres, o municiones, conforme al Título 18 del U.S.C. §§2381-26.

The sheriff shall detain the defendant in custody until the defendant has signed the bond, complied with the necessary conditions of release, or is otherwise discharged.

El alguacil mantendrá detenido al acusado hasta que el acusado haya firmado la fianza, haya satisfecho las obligaciones necesarias de su libertad o hasta que sea puesto en libertad de alguna otra manera.

I have received a copy of this bail bond and I agree to its terms. I understand that the court district is aware.			
Hecho cargo de la fianza a la cual se acepta las condiciones. Entiendo que se está para comparecer en el tribunal si se requiere.			
Defendant's Signature: Director del Tribunal de Justicia	Date: Fecha	Court No.	
Defendant's Signature: Firma del acusado	Date: Fecha	Defendant's Address: Dirección del acusado	Defendant's Address: Domicilio
Defendant's Signature: Firma del poseedor	Date: Fecha	Defendant's Address: Dirección del poseedor	Defendant's Address: Domicilio

☐ Have furnished the defendant with a copy of this document.
Le he proporcionado copia de este documento al acusado.

Signature: Firma

Signature: Firma

Date: Fecha

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
State of Wisconsin, Plaintiff Estado de Wisconsin, Parte actora	Waiver of Right to Attorney Renuncia al Derecho a tener un Abogado
-vs- -contra-	
Name Nombre	Defendant Acusado
Case No. Número de caso	
Place of residence Lugar de residencia	

This form does not replace the need for an interpreter, any disclosure mandated by law, or the responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations.
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I am entering the court to allow me to represent myself and give up my constitutional right to have an attorney represent me. I understand that if I choose to represent myself today, I may change my mind at any time during this case and may be given an opportunity to have an attorney represent me.

Le pido al juez que me permita representarme a mí mismo y renuncio a mi derecho constitucional de tener la representación de un abogado. Entiendo que si decido representarme a mí mismo ahora, puedo cambiar de parecer en cualquier momento durante el transcurso del caso y se me podría permitir que un abogado me represente.

I am _____ years old. I have completed _____ years of schooling.
Tengo _____ años de edad. He completado _____ años de estudios.

☐ do ☐ do not have a high school diploma, GED, or HSED.
Tengo ☐ no tengo diploma de escuela secundaria (preparación en México) o su equivalente (GED o HSED).

☐ am ☐ am not presently employed. If employed, state your place of employment and occupation.
Tengo ☐ no tengo empleo actualmente. Si tiene empleo, indique dónde está empleado y cuál es su ocupación.

☐ do ☐ do not read, write, and/or understand the English language.
Sí ☐ no sé leer y escribir, ni entiendo el idioma inglés.

☐ am not ☐ am currently receiving treatment for mental or emotional problems.
No estoy ☐ estoy recibiendo tratamiento actualmente por problemas mentales o emocionales.

☐ have not ☐ have received treatment in the past for mental or emotional problems.
No he ☐ he recibido tratamiento en el pasado por problemas mentales o emocionales.

☐ have not ☐ have had any alcohol, medications (whether prescribed or not), or drugs within the last 24 hours.
No he ☐ he consumido bebidas alcohólicas, medicamentos (prescritos o no) o drogas en las últimas 24 horas.

☐ do not ☐ do have physical or psychological disabilities that may affect my ability to understand what is happening in court or communicate my position or views on this case to the court.
No tengo ☐ tengo discapacidades físicas o psicológicas que puedan afectar mi capacidad para entender lo que está sucediendo en el tribunal, o para presentar mi postura o perspectiva sobre este caso ante el juez.

DP-002, 1/2014 Initial Waiver of Rights in Spanish
Spanish Translation Date: 6/1/12 DP-002/002-01-001/14a, Rev. 1, Sep. 11, 2014, Court

This form shall not be modified. It may be supplemented with additional material.
Page 1 of 1

Notice of Right to Retain

Page 2 of 4

Create for

I understand that I have been charged with the following crime(s) that carry the following penalties:
Entiendo que se me imputan los cargos siguientes que conllevan las penas indicadas a continuación:

Crimen
Delito

(Penalties (minimum and maximum)
(Penas (mínimo y máximo))

I understand I have the right to:
Entiendo que tengo el derecho de:

■ Have an attorney represent me at all stages of this proceeding.
Tener un abogado que me represente en todas las etapas de este proceso.

■ Have an attorney appointed for me by the state public defender if I do not have the money to hire an attorney.
Tener un abogado designado para mí por la oficina del defensor público, si no cuento con los medios para contratar a un abogado.

■ Hire my own attorney at my own expense.
Contratar a un abogado por mi propia cuenta.

■ Ask the court to review a determination by the state public defender that I am not indigent and able to hire my own attorney.
Pedirle al juez que revise la decisión de la oficina del defensor público que determinó que no soy indigente y que tengo la capacidad de contratar un abogado.

■ Ask the court to find me indigent or partially indigent and appoint a court-appointed attorney for me at county expense if I have been found not eligible for a public defender. I understand I may be required to pay the county fee fees paid to the court-appointed attorney.
Pedirle al juez que determine que soy indigente o parcialmente indigente y que me designe un abogado nombrado por el tribunal y contratado por el condado, si se ha determinado que no cumplo los requisitos para que me represente un defensor público. Entiendo que se me puede exigir que le pague al condado por las honorarios del abogado asignado por el tribunal.

■ Represent myself and act as my own attorney.
Representarme a mí mismo y actuar como mi abogado.

☐ Check this box if you have read and understood the above.
Marque esta casilla si ha leído y ha entendido lo anterior.

EN 228 "Crim. Notice of Rights to Retain
Spanish - November 2018, 2/18"

88753212124.30176, B06, 841 | Sec. T, Wis. Const.

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Driver or Right to Hearcase

Page 3 of 4

Case No.

Understand an attorney would

Entiendo que un abogado

Represent me and speak on my behalf in court.
Me representaría y hablaría en mi nombre en el tribunal.

Advise me about my legal rights and options.
Me informaría de mis derechos y opciones legales.

Explain and assist me with legal and court procedures.
Me explicaría y me ayudaría con los procesos legales y judiciales.

Help me negotiate a settlement of my case with the district attorney.
Me ayudaría a negociar un acuerdo por mi caso con el fiscal de distrito.

Investigate and explore possible defenses to the charges against me that may or may not be readily apparent to me.
Investigaría y exploraría las defensas posibles ante los cargos que se me imputan, que podrían ser o no evidentes para mí.

Prepare and conduct my defense at any motion hearing or trial.
Prepararía y llevaría a cabo mi defensa en cualquier juicio o audiencia de presentación de pedimentos.

File motions on issues of evidence, testimony, and procedures of the police.
Presentaría pedimentos relacionados con pruebas, testimonios y procedimientos policiales.

Assist me at sentencing if I am convicted of any crime.
Me ayudaría durante la imposición de la condena, si fuera condenado de algún delito.

File an appeal, if requested.
Tramitaría una apelación, si se solicita.

Check this box if you have read and understood the above.
Marque esta casilla si ha leído y entendido lo anterior.

Understand that if I represent myself

Entiendo que si me represento a mí mismo

The judge cannot be my attorney and cannot give me any legal advice.
El juez no puede ser mi abogado ni puede darme asesoramiento legal.

The district attorney cannot be my attorney and cannot give me legal advice.
El fiscal de distrito no puede ser mi abogado ni darme asesoramiento legal.

The judge, district attorney, and court personnel are not required to explain court procedures or the law.
Ni el juez, ni el fiscal de distrito, ni el personal del tribunal tienen la obligación de explicarme los procedimientos del tribunal ni las leyes.

The judge cannot treat me differently because I do not have an attorney.
El juez no puede tratarme de manera diferente porque no tengo abogado.

I will be required to follow all legal rules and procedures that an attorney would have to follow in court, even if my case goes to trial.
Si me obligan que me atenga a todas las leyes y reglamentos que tendría que cumplir un abogado en el tribunal, aun si mi caso procediera a juicio.

It may be difficult for me to challenge evidence presented by the district attorney.
Podría resultar difícil para mí desafiar pruebas presentadas por el fiscal de distrito.

It may be difficult for me to present evidence.
Podría resultar difícil para mí presentar pruebas.

If I want to testify I must be sworn as a witness and answer questions from the district attorney.
Si deseo testificar, debo prestar juramento como testigo y contestar las preguntas del fiscal de distrito.

DR-225 (03/16) Waiver of Rights (Attorney)

SP-152 (03/16) B.1 (Rev. 10/15)

Revised: December 2016, 2/18

This form shall not be modified. It may be supplemented with additional material.

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 Report Number: 2012

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 Page 4 of 4

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY _____	
State of Wisconsin, Plaintiff, Estado de Wisconsin, Parte actora, -vs- -contra-	Plea Guadantamental Waiver of Rights Cuestionario de derechos Renuncia de derechos
Name Nombre	Case No. Número de caso

This form does not replace the need for an interpreter, any colloquy mandated by law, or the responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations.

Este documento no sustituye el uso de un intérprete, ni las conversaciones obligadas por la ley. Tampoco sustituye la responsabilidad del tribunal y los abogados de asegurarse de que las personas cuya comprensión del idioma inglés sea limitada entiendan por completo sus derechos y obligaciones.

I am the defendant and intend to plea as follows:
 Soy el acusado y tengo la intención de declararme de la siguiente manera:

Charge/Statute Cargos/Estaduto	Plea Declaración	Charge/Statute Cargos/Estaduto	Plea Declaración
	<input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> No contest		<input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> No contest
	<input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> No contest		<input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> No contest

☐ See attached sheet for additional charges.
 Consulte la hoja adjunta para ver cargos adicionales.

I am _____ years old. I have completed _____ years of schooling.
 Tengo _____ años de edad. Tengo _____ años de estudios.

☐ do ☐ do not ☐ have a high school diploma, GED, or HSED.
 Tengo ☐ sí ☐ no tengo ☐ diploma de escuela secundaria preparatoria en México o su equivalente (GED o HSED).

☐ do ☐ do not ☐ understand the English language.
 Entiendo ☐ sí ☐ no entiendo el idioma inglés.

☐ do ☐ do not ☐ understand the charge(s) to which I am pleading.
 Entiendo ☐ sí ☐ no entiendo el cargo del cual me declaro culpable o no me opongo.

☐ am not ☐ am ☐ currently receiving treatment for a mental illness or disorder.
 No estoy ☐ estoy ☐ recibiendo actualmente tratamiento por trastorno o enfermedad mental.

☐ have not ☐ have ☐ had any alcohol, medications, or drugs within the last 24 hours.
 No he ☐ he ☐ consumido alcohol, medicamentos o drogas en las últimas 24 horas.

This form shall not be modified. It may be supplemented with additional material.
Page 2 of 2

Comprendre de 10 à 15 %

- [illegible]

This form shall not be modified. It may be supplemented with additional material.

STATE OF WISCONSIN, CIRCUIT COURT, COUNTY

State of Wisconsin, Plaintiff,
Estado de Wisconsin, Parte actora,
vs. -vs-
Defendant
Acusado
Name
Apellido
Case No.
Número de caso

Notice of Right to
Seek Postconviction
Relief
Notificación del
Derecho de Solicitar
el Reverso de
Reparación
Postcondenatoria

This form does not replace the need for an interpreter, any notices mandated by law, or the responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations.
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**TO THE DEFENDANT:
AL ACUSADO**

You have the right to seek postconviction relief from the judgment in this case. If you were represented by a lawyer at your sentencing, it is that lawyer's responsibility to assist you in deciding whether to seek postconviction relief.

Usted tiene el derecho de recurrir a la reparación postcondenatoria del fallo en este caso. Si un abogado le representó durante la imposición de su condena, ese abogado tiene la responsabilidad de ayudarle a decidir si es a solicitar o no la reparación postcondenatoria.

If you decide to seek postconviction relief, you or your lawyer must file a Notice of Intent to Seek Postconviction Relief. The Notice of Intent must be filed in the trial court within 20 days. If you had a lawyer at sentencing, and if you (or your lawyer) timely notice that you have decided to seek postconviction relief, it is your lawyer's duty to see that your Notice of Intent is properly filed in this court and served on the District Attorney.

Si usted decide recurrir a la reparación postcondenatoria, usted o su abogado deben presentar una Notificación de Intención de Recurrir a la Reparación Postcondenatoria. Esta Notificación de Intención debe presentarse ante el tribunal en un plazo de 20 días. Si usted tuvo abogado durante la imposición de su condena y le avisó a tiempo al abogado de su intención de solicitar reparación postcondenatoria, su abogado tiene el deber de presentar la Notificación de Intención correctamente ante el tribunal y de notificar al Fiscal de Distrito.

After filing the Notice of Intent, your lawyer does not have to represent you further unless you hire him or her to do so. If you intend to seek postconviction relief but cannot afford a lawyer, you have the right to request that a lawyer be appointed to assist you by the State Public Defender.

Después de presentar la Notificación de Intención, su abogado no está obligado a representarle a no ser que usted lo contrate para eso. Si usted desea recurrir a la reparación postcondenatoria pero no tiene los medios económicos para contratar a un abogado, usted tiene el derecho de solicitar que se le designe un Defensor Público para ayudarle.

DR 225 (2018) Notice of Right to Seek Postconviction Relief
Reverso Postcondenatoria 2/18

2017-18, Wisconsin Statutes
This form shall not be modified. It may be supplemented with additional material.
Page 1 of 2

DEFENDANT'S ACKNOWLEDGEMENT:
RECONOCIMIENTO DEL ACUSADO:

I have discussed my right to seek postconviction relief with the lawyer who represented me at sentencing. If any, I understand that if I intend to seek postconviction relief, I must file a Notice of Intent in the trial court within 20 days after sentencing and send a copy to the District Attorney. If I want my lawyer to file the Notice of Intent for me, I must timely inform my lawyer of my decision to seek postconviction relief. I have received a copy of this Notice.

He hablado con el abogado que me representó durante la imposición de mi condena, si es que hubo uno presente, sobre mi derecho de solicitar reparación poscondenatoria. Entiendo que si deseo solicitar reparación poscondenatoria, debo presentar una notificación de intención ante el Tribunal, en un plazo de 20 días a partir de la fecha de la imposición de mi condena y enviarle una copia al Fiscal de Distrito. Si deseo que mi abogado presente en mi lugar la Notificación de Intención de solicitar reparación poscondenatoria debo comunicárselo a tiempo. He recibido copia de esta Notificación.

- ☐ I plan to seek postconviction relief.
Deseo solicitar reparación poscondenatoria.
- ☐ I do not plan to seek postconviction relief.
No deseo solicitar reparación poscondenatoria.
- ☐ I am undecided about seeking postconviction relief and I know I need to decide and tell my lawyer within 20 days.
No he decidido si solicitaré reparación poscondenatoria y sé que debo decidir y comunicárselo a mi abogado en un plazo de 20 días a partir de la fecha de hoy.

Defendant
Firma del acusado

Date
Fecha

ATTORNEY CERTIFICATION:
CERTIFICACIÓN DEL ABOGADO:

I have counseled the defendant about the decision to seek postconviction relief. I have informed the defendant that this decision must be made and communicated to me within 20 days of sentencing. I believe the defendant understands the right to postconviction relief and the 20 day time limit. I understand that it is my duty to file the Notice of Intent to Pursue Postconviction Relief on behalf of the defendant if that intent is timely communicated to me.

He asesorado al acusado sobre la decisión de solicitar reparación poscondenatoria. Le he informado al

acusado que debe tomar una decisión y comunicármela en un plazo de 20 días a partir de la fecha de la imposición de la condena. Creo que el acusado entiende el derecho a recurrir a la reparación poscondenatoria y el plazo de los 20 días. Entiendo que es mi deber presentar la Notificación de la Intención de Recurrir a la Reparación Poscondenatoria de parte de mi cliente si se me notifica a tiempo de esa intención.

Defense Attorney

Firma del abogado defensor

Date

Fecha

- DISTRIBUTION:
- 1. Court
 - 2. Defendant
 - 3. Defense Attorney

STATE OF WISCONSIN, CIRCUIT COURT, COUNTY _____

State of Wisconsin, Plaintiff,
Estado de Wisconsin, Parte actora

vs. -contra- _____
Defendant
Acusado

Case No. _____
Número de causa

☐ Amended Complaint
Escrito de acusación modificado

**Written Explanation of
Determinate Sentence
Explicación escrita de
la condena fija de
reclusión**

This form does not replace the need for an interpreter, any obligations mandated by law, or the responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations.
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The total length of your sentence for _____ El término total de su condena por _____		Years _____ Años _____	Months _____ Meses _____	The total length of your sentence for _____ El término total de su condena por _____		Years _____ Años _____	Months _____ Meses _____
Court: El largo _____				Court: El largo _____			
Your initial term of confinement in prison / Su término inicial de reclusión en la prisión				Your initial term of confinement in prison / Su término inicial de reclusión en la prisión			
The time you will serve or extended superior / El período que cumplirá después superior prolongado				The time you will serve or extended superior / El período que cumplirá después superior prolongado			
<input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive to: Concurrente Consecutivo a: Court: El largo _____				<input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive to: Concurrente Consecutivo a: Court: El largo _____			
Your initial term of confinement in prison / Su término inicial de reclusión en la prisión				Your initial term of confinement in prison / Su término inicial de reclusión en la prisión			
The time you will serve or extended superior / El período que cumplirá después superior prolongado				The time you will serve or extended superior / El período que cumplirá después superior prolongado			
<input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive to: Concurrente Consecutivo a: Court: El largo _____				<input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive to: Concurrente Consecutivo a: Court: El largo _____			

**Extended Confinement ("bad time")
Reclusión prolongada ("mala conducta")**

The time you are confined in prison can be extended if you violate any prison regulation or if you refuse or neglect to perform required or assigned duties. If your time in prison is extended under this "bad time" provision, you could be required to serve up to the total length of your sentence in prison. The penalties which can be imposed by the Department of Corrections are 10 days for the first offense, 20 days for the second offense, 40 days for the third and each subsequent offense.
El período de su reclusión en prisión se puede prolongar si usted viola cualquier reglamento de la prisión o si se refuse o no cumple con las obligaciones que se le exigen o asignan. Si su tiempo en prisión se prolonga según la cláusula que sigue la "mala conducta", se le podría exigir que cumpla hasta el término total de su condena en prisión. Las penas que se le podrá imponer el Departamento de Correcciones son las siguientes: 10 días por la primera infracción, 20 días por la segunda infracción y 40 días por la tercera infracción y por cada infracción posterior.

In addition, if you are placed in adjustment, program, or controlled segregation status, your term of confinement can be extended by a number of days equal to 50% of the number of days which you spend in adjustment, program, or controlled segregation status.

QJ-01a (2011) Notice Statement of Determinate Sentence QJ-01a (2011) Noticia Declaración de Sentencia Determinada
Revised/Revisado Date: 10/13 This form shall not be modified. It may be supplemented with additional material.
Page 1 of 2

Written Explanation of Defendant's Sentence

Page 2 of 2

Casa No.

Además, si se declara en condición de quita, de programa o de ingreso controlado, su período de exclusión podrá prolongarse una cantidad de días equivalente al 50% del total de días que usted está en condición de quita, de programa o de ingreso controlado.

Finally, if while you are in prison you file a lawsuit which the court finds to be filed for a malicious purpose, or solely to harass the party against which it is filed, or if you testify falsely or otherwise knowingly offer false evidence or provide false information to the court in that lawsuit, the court can order that your term of confinement be extended up to the total length of your sentence.

Por último, si mientras está recluido en prisión, usted entabla una demanda que el juez determine que se ha entablado con malicia o únicamente para acosar al demandado, o si falsos testimonios o, de algún otro modo, intencionalmente presenta pruebas o proporciona información falsa al tribunal en una demanda, el juez puede ordenar que su término de exclusión se prolongue hasta cumplir el tiempo total de su condena.

While you are on extended supervision, you will be subject to certain conditions. If you violate any of these conditions, you may be returned to prison to serve not more than the time remaining on your sentence. The time remaining on your sentence is the total length of your sentence less any time served in custody.

Mientras usted está bajo supervisión prolongada, deberá sujetar a ciertas condiciones. Si quebranta cualquiera de estas condiciones, se le podrá enviar nuevamente a prisión para cumplir el tiempo que le queda de su condena. El tiempo que le queda de la condena es el total de su condena menos el tiempo que haya estado recluido.

Challenge Incarceration ProgramSubstance Abuse Program

Programa de retiro durante el encarcelamientoPrograma de drogadicción

You are eligible for the Challenge Incarceration Program ("Boot Camp").

Usted tiene derecho al Programa de retiro durante el encarcelamiento ("Boot Camp").

You are eligible for the Substance Abuse Program.

Usted tiene derecho al Programa de drogadicción.

If you are placed in and successfully complete the Challenge Incarceration Program or the Substance Abuse Program, as determined by the Department, the court shall modify your sentence in the following manner:

Si usted es encarcelado y cumple satisfactoriamente el Programa de retiro durante el encarcelamiento o el Programa de drogadicción, según lo determine el Departamento, el tribunal modificará su condena de la manera siguiente:

1. You will be released to extended supervision within 30 days after the court is notified that you have successfully completed the Program.

Usted será puesto en libertad bajo supervisión prolongada en un plazo de 30 días a partir de la fecha de notificación al tribunal de que usted completó el Programa de encierro.

2. The unserved confinement portion of your sentence will be added to the extended supervision portion of your sentence. The time length of your sentence does not change.

La parte de la condena que no haya cumplido en prisión se agregará a la parte de la supervisión prolongada de su condena. El tiempo total de su condena no cambia.

☐ Copy of this form given to defendant.

Se le proporcionó el acusado una copia de este formulario.

STATE OF WISCONSIN CIRCUIT COURT, _____ COUNTY		For Official Use
IN THE INTEREST OF ENVOYÉ DE		<p align="center">Summons Orden de Comparecencia</p>
Name: _____		
Case No. _____ Cause no. _____		
<p>This form does not replace the need for an interpreter, any otherwise mandated to him, or the responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations.</p> <p>Cette document ne remplace ni le besoin d'un interprète, ni les obligations judiciaires exigées par la loi. L'absence d'interprète de responsabilité de l'État et les obligations de garantir de que les personnes ayant connaissance des droits et des obligations de la loi.</p>		
To: _____		

A petition alleging the child is/was:

Una petición alegando que el menor de edad:

☐ is in need of protection and services under Chapter 48
necesita asistencia y servicios según el Capítulo 48

☐ is in need of protection and services under Chapter 52B
necesita asistencia y servicios según el Capítulo 52B

☐ is in need of a guardian under Chapter 48
necesita un tutor según el Capítulo 48

☐ is a delinquent
es delincuente

☐ should be removed out of juvenile jurisdiction
debería excluirse de la jurisdicción del tribunal de menores

☐ has violated civil restrictions
ha violado la ley o ordenanzas en la cual

Has been filed and is attached to this summons,
se ha presentado y está adjunta a esta orden de comparecencia.

IT IS ORDERED THAT you appear for a hearing on:
A LISTED DE LE ORDENA comparecer a una audiencia en:

Date: _____	Time: _____	<p>Location: (Include Room No.) _____</p>
<p>Address of Hearing: _____</p>		
<p>Child's Social Security Number: _____</p> <p>and the Child's Present Address: _____</p>		

*** If this hearing is for review of juvenile jurisdiction, the juvenile must be represented by counsel and any request for a substitution of judge must be filed before the close of the working day before the day the review hearing is scheduled.**

JS-706 (2-19-2020) Revised 10/19
This form shall not be modified. It may be supplemented with additional material.
Page 1 of 2

This form shall not be modified. It may be supplemented with additional material.

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY _____		For Official Use
IN THE INTEREST OF _____		Notice of Hearing (Juvenile) Notificación de Audiencia (Menor de Edad)
Name: _____	Case No. _____	
Sex: _____	County No. _____	

This form does not replace the need for an interpreter, any colloquies mandated by law, or the responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations. *(Este documento no sustituye el uso de un intérprete, ni los coloquios judiciales exigidos por la ley. Tampoco exculpa la responsabilidad del tribunal y los abogados de asegurarse de que las personas cuyo conocimiento del idioma inglés sea limitado entiendan sus derechos y obligaciones.)*

This case is scheduled for a hearing as indicated below: *(Este caso se ha fijado para una audiencia según se indica a continuación.)*

NOTICE OF HEARING - NOTIFICACIÓN DE AUDIENCIA	
Date: _____ Time: _____ Location: (Include Room No., Court Building, etc.) _____	

<input type="checkbox"/> Terminate Physical Custody <input type="checkbox"/> Waiver of Juvenile Jurisdiction <i>Renuncia a la jurisdicción del Tribunal de Menores</i> <input type="checkbox"/> Plea <i>Confesión a los cargos</i> <input type="checkbox"/> Hearing on Petition <i>Audiencia para tratar la petición</i> <input type="checkbox"/> Motion(s) <i>Pedimento(s)</i> <input type="checkbox"/> Pre-trial <i>Audiencia previa al juicio</i> <input type="checkbox"/> Post Finding <i>Conferenciación de hechos</i> <input type="checkbox"/> Court - Jury <input type="checkbox"/> Court - Juvenile <input type="checkbox"/> Disposition <i>Resolución de la causa</i> <input type="checkbox"/> Extension <i>Extensión</i> <input type="checkbox"/> Change of Placement <i>Cambio de colocación</i> <input type="checkbox"/> Review / Revision <i>Revisión del plan de permanencia</i> <input type="checkbox"/> Other _____	<ul style="list-style-type: none"> • If this hearing is for waiver of juvenile jurisdiction, the juvenile must be represented by counsel and any request for a substitution of judge must be filed before the close of the working day before the day the waiver hearing is scheduled. <i>(Si esta audiencia es para renunciar a la jurisdicción del Tribunal de Menores, el menor debe ser representado por un abogado y toda solicitud de sustitución de juez debe presentarse antes del cierre del día hábil anterior a la fecha de la audiencia de renuncia de jurisdicción.)</i> • You have the right to have an attorney present. A juvenile 14 or under alleged to be delinquent must be represented by an attorney. <i>(Usted tiene el derecho de tener un abogado presente. Los presuntos delincuentes menores de edad que tengan 14 años o menos deben contar con la representación de un abogado.)</i> • If a child/juvenile wants to be represented by an attorney, or the juvenile is required to be represented by an attorney, the State Public Defender will appoint one. Based on ability to pay, the parents may be ordered to reimburse the state or county for the cost of an attorney. <i>(Si el menor de edad desea la representación de un abogado, o si se le exige que lo represente un abogado, el Defensor Público de Designado uno. Los padres podrán recibir una orden para reembolsar al Estado o al Condado los costos de abogado, de acuerdo con su capacidad económica.)</i> • If the Indian Child Welfare Act applies to this case, use form IS-1724. <i>(Si la Ley para el Bienestar de Niños Indígenas se aplica a este caso, use formulario IS-1724.)</i>
--	--

☐ See attached
Verse adjunta

JD-176 (2/19) Notice of Hearing (Juvenile) Revised 07/05 District 44 and 108 - Juvenile Division

This form shall not be modified. It may be supplemented with additional material. Page 1 of 2

This form shall not be modified; it may be supplemented with additional material.
Page 2 of 2

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY _____ For Official Use

IN THE INTEREST OF
DE PARTE DE _____

**Waiver of Right
to Attorney (Child/Juvenile)**
**Renuncia al Derecho
a tener un Abogado
(Niño-Menor de Edad)**

Name
Nombre _____

Case No.
Número de caso _____

Sex of filer
Sexo de representado _____

This form does not replace the need for an interpreter, any colloquies mandated by law, or the responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations.
Este documento no sustituye el uso de un intérprete, ni las coloquias judiciales exigidas por la ley. Tampoco sustituye la responsabilidad del tribunal y los abogados de asegurarse de que las personas tienen comprensión de ciertos rights and obligations.

I am asking the court to allow me to represent myself and give up my constitutional right to have an attorney represent me. I understand that if I choose to represent myself today, I may change my mind at any time during this case and may be given an opportunity to have an attorney represent me.
Le pido al juez que me permita representarme a mí mismo y renuncie a mi derecho constitucional de tener la representación de un abogado. Entiendo que si decido representarme a mí mismo ahora, puedo cambiar de parecer en cualquier momento durante el transcurso del caso y se me podría permitir que un abogado me represente.

I am _____ years old. I am in _____ grade in school.
Tengo _____ años de edad. Estoy en _____ grado en la escuela.

☐ am ☐ am not presently employed. If employed, state your place of employment and occupation:
Tengo ☐ tengo ☐ no tengo empleo actualmente. Si tiene empleo, indique dónde está empleado y cuál es su ocupación:

☐ do ☐ do not read, write, and/or understand the English language.
Sí ☐ no sé leer, escribir, ni entiendo el idioma inglés.

☐ am not ☐ am currently receiving treatment for mental or emotional problems.
No estoy ☐ estoy recibiendo tratamiento actualmente por problemas mentales o emocionales.

☐ have not ☐ have received treatment in the past for mental or emotional problems.
No he ☐ he recibido tratamiento en el pasado por problemas mentales o emocionales.

☐ have not ☐ have had any alcohol, medications (whether prescribed or not), or drugs within the last 24 hours.
No he ☐ he consumido bebidas alcohólicas, medicamentos (prescritos o no), o drogas en las últimas 24 horas.

☐ do not ☐ do have physical or psychological disabilities that may affect my ability to understand what is happening in court or communicate my position or views on the case to the court.
No tengo ☐ tengo discapacidades físicas o psicológicas que puedan afectar mi capacidad para entender lo que está sucediendo en el tribunal o para presentar mi posición o perspectiva sobre este caso ante el juez.

☐ have ☐ have not had an attorney represent me in the past.
Sí ☐ no he recibido con la representación de un abogado en el pasado.

JB-100, 1-010 Waiver of Right to Attorney (Child/Juvenile) 0008 01 and 04 03, Wisconsin Judicial Branch, Translations, 01/18

This form shall not be modified. It may be supplemented with additional material.

Page 1 of 4

Notice of Right to Retain Counsel

Page 2 of 4

Case No. _____

I understand a petition has been filed stating that I committed the following offense(s):
Entiendo que se ha interpuesto un pedimento mediante el cual se declara que cometí las siguientes delitos:

I understand I have the right to:
Entiendo que tengo el derecho de:

- Have an attorney represent me at all stages of this proceeding.
Tener un abogado que me represente en todos los etapas de este proceso.
- Have an attorney appointed for me by the state public defender.
Tener un abogado designado para mí por la oficina del defensor público.
- Hire my own attorney at my own expense.
Contratar un abogado por mi propia cuenta.
- Represent myself and act as my own attorney.
Representarme a mí mismo y actuar como mi abogado.

☐ Check this box if you have read and understood the above.
Marque esta casilla si ha leído y entendido lo anterior.

I understand an attorney would:
Entiendo que un abogado:

- Represent me and speak on my behalf in court.
Me representaría y hablaría en mi nombre en el tribunal.
- Advise me about my legal rights and options.
Me informaría de mis derechos y opciones legales.
- Explain and assist me with legal and court procedures.
Me explicaría y me ayudaría con los procesos legales y judiciales.
- Help me negotiate a settlement of my case with the district attorney.
Me ayudaría a negociar un acuerdo por mi caso con el fiscal de distrito.
- Investigate and explore possible defenses to the charges against me that may or may not be readily apparent to me.
Investigaría y exploraría las defensas posibles ante los cargos que se me imputan, que podrían ser o no evidentes para mí.
- Prepare and conduct my defense at any motion hearing or trial.
Prepararía y llevaría a cabo mi defensa en cualquier juicio o audiencia de presentación de pedimentos.
- File motions on issues of evidence, testimony, and procedure of the police.
Presentaría documentos relacionados con pruebas, testimonios y procedimientos judiciales.
- Assist me at disposition.
Me ayudaría durante la audiencia transitoria al momento de la sentencia.

☐ Check this box if you have read and understood the above.
Marque esta casilla si ha leído y entendido lo anterior.

I understand that if I represent myself,
I am responsible for my own actions. I will

Explain what is the importance of the diagram:

- El *judge* cannot see my attorney and cannot give me any legal advice.
- El *pro* no puede ver mi abogado ni puede darme ningún consejo legal.
- The district attorney cannot see my attorney and cannot give me legal advice.
- El fiscal del distrito no puede ver mi abogado ni puede darme ningún consejo legal.
- The *judge*, district attorney, and attorney general are not required to explain court procedures or the law.
- El juez, fiscal del distrito, ni el personal del tribunal tiene la obligación de explicarme los procedimientos del tribunal ni la ley.
- The *pro* cannot hear me sufficiently because I do not have an attorney.
- El *pro* no puede escucharme de manera suficiente porque no tengo abogado.
- I will be required to follow all legal rules and procedures that an attorney would have to follow in court, even if I refuse to go.
- Me exigirán que me atenga a todos los leyes y procedimientos que tendría que cumplir un abogado en el tribunal, aun si yo no quiero ir.
- I may be difficult for me to challenge evidence presented by the district attorney.
- Puedo resultar difícil para mí desafiar pruebas presentadas por el fiscal del distrito.
- It may be difficult for me to present evidence.
- Puedo resultar difícil para mí presentar pruebas.
- I want to testify I would be sworn as a witness and answer questions from the district attorney.
- Quiero testificar. Yo sería jurado como testigo y responderé las preguntas del fiscal del distrito.
- I may be difficult for me to do a good job on my own attorney.
- Puedo resultar difícil para mí hacer un buen trabajo en mi propio abogado.

☐ Check this box if you have read and understood the above.

Marque esta casilla si he leído y entendido lo anterior.

I am making this decision to represent myself knowingly and voluntarily. No one has made any promises or threats to me, and no one has used any influence, pressure, or force of any kind to get me to not ask for an attorney. No one has told me I should not ask for an attorney to represent me.

Tomo la decisión de representarme a mí mismo con conocimiento y voluntad. Nadie me ha hecho ninguna promesa ni me ha amenazado, ni ha usado su influencia, presión o fuerza de ningún tipo para que no pida un abogado. Nadie me ha dicho que no pida a un abogado que me represente.

I have read, or have had read to me, this entire document. I have truthfully answered and understood all portions of the document. I understand the court process involved in my case so that I can adequately represent myself. I want to give up my right to an attorney. I want to represent myself.

He leído a mi hijo leído este documento en su totalidad. He entendido con la verdad y he entendido todas las partes del documento. Entiendo los procedimientos del tribunal relativos a mi caso para poder representarme adecuadamente. Deseo renunciar a mi derecho de tener a un abogado. Deseo representarme a mí mismo.

STATE OF WISCONSIN, CIRCUIT COURT, COUNTY _____ For Official Use

IN THE INTEREST OF
En nombre DE _____

Forma Juvenil Juvenile
Menor de edad

**Plea Questionnaire/
Waiver of Rights
(Delinquency)**

**Cuestionario de
Contestación a los
Cargos/Remisión a los
Derechos (Delincuencia)**

Case No. _____
Causa No. _____

This form does not replace the need for an interpreter, any colloquies mandated by law, or the responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations. Este documento no sustituye el uso de un intérprete, ni los coloquios judiciales exigidos por la ley. Tampoco sueltará la responsabilidad del tribunal y los abogados de asegurarse de que las personas cuya comprensión del idioma inglés sea limitada entiendan por completo sus derechos y obligaciones.

I am the juvenile and I intend to plead to the delinquency charges as follows:
Soy el menor de edad y tengo la intención de contestar a los cargos por delincuencia de la siguiente manera:

Charge/Offense Cargo/Ofensa	Plea Contestación	Charge/Offense Cargo/Ofensa	Plea Contestación
	<input type="checkbox"/> Admit Admitido		<input type="checkbox"/> Admit Admitido
	<input type="checkbox"/> No Contest		<input type="checkbox"/> No Contest
	no me spongo		no me spongo
	<input type="checkbox"/> Admit Admitido		<input type="checkbox"/> Admit Admitido
	<input type="checkbox"/> No Contest		<input type="checkbox"/> No Contest
	no me spongo		no me spongo

☐ See attached sheet for additional charges. Consulte la hoja adjunta para ver cargos adicionales.

I am _____ years old. I am now/has completed the _____ grade in school.
Tengo _____ años de edad. Estoy/ha terminado _____ grado en la escuela.

☐ do ☐ do not understand the English language.
Entiendo/ no entiendo el idioma inglés.

☐ do ☐ do not understand the charges to which I am pleading, including whether any charge is a felony.
Entiendo/ no entiendo el cargo al que estoy contestando y al alguno de los cargos es un delito mayor.

☐ am not ☐ am currently receiving treatment for a mental illness or disorder.
No estoy/ estoy recibiendo actualmente tratamiento por trastornos o enfermedades mentales.

☐ have not ☐ have had any alcohol, medications, or drugs within the last 24 hours.
No he/ he consumido alcohol, medicamentos o drogas en las últimas 24 horas.

**Constitutional Rights
Derechos Constitucionales**

I understand that by entering this plea, I give up the following constitutional rights:
Entiendo que al contestar a los cargos de esta manera, renuncio a los siguientes derechos constitucionales:

☐ I give up my right to a court trial.
Renuncio a mi derecho a un juicio ante un juez.

☐ I give up my right to remain silent and I understand that my silence could not be used against me at trial.
Renuncio a mi derecho de permanecer en silencio y entiendo que mi silencio no podría usarse en mi contra.

JS-109 (3/12) Plea Questionnaire of Rights (Delinquency) - Spanish (1/1) 900A.05, 900.05 and 900.05, Wisconsin Statutes
This form shall not be modified. It may be supplemented with additional material.
Page 1 of 2

This form shall not be modified. It may be supplemented with additional material.

Plea Guilt/Consent/Frame of Rights (Delinquency) Page 3 of 3 Case No. _____

* I understand that if any charges are read-in as part of a plea agreement they have the following effects:
 Entiendo que si alguno de los cargos se incluye como parte del convenio declaratorio, tiene los siguientes efectos:

- Disposition - the judge may consider read-in charges in determining the disposition.
Resolución - el juez puede considerar los cargos incluidos como parte del convenio para determinar la resolución.
- Restitution - I may be required to pay restitution on any read-in charges.
Restitución - puede que se me exija pagar restitución por cualquiera de los cargos incluidos.
- Future prosecution - the State cannot prosecute me for any read-in charges.
Prosecución futura - el estado no puede procesarme por ningún cargo incluido.

Voluntary Plea
Convenio voluntario
 I have decided to enter this plea of my own free will. I have not been threatened or forced to enter this plea, but penalties have been made to me other than those contained in the plea agreement. The plea agreement will be stated in court or it is as follows: ☐ See attached
 He decidido ingresar estos cargos por voluntad propia. No me han amenazado ni forzado a conformarme de este modo. No se me han hecho promesas aparte de las que contiene el convenio declaratorio. El convenio declaratorio se expusió ante el juez o es el siguiente: **Ver adjunto**

Juvenile's Statement
Declaración del Menor de Edad
 I have reviewed and understand this entire document and any attachments. I have reviewed it with my attorney, if any. I have answered all questions truthfully and either I or my attorney checked the boxes. I am asking the court to accept my plea and find me delinquent.
 He revisado y entiendo la totalidad de este documento y todo documento adjunto. Lo he revisado con mi abogado, de existir. He respondido a todas las preguntas con la verdad y yo o el abogado hemos marcado las casillas correspondientes. Pido al juez que acepte mi confesión y me encuentre responsable.

_____ Date: _____
 Juvenile Minor de edad Date: Fecha

Attorney's Statement (if applicable)
Declaración del Abogado, si corresponde
 I am the attorney for the juvenile. I have discussed this document and any attachments with the juvenile. I believe the juvenile understands it and the plea agreement. The juvenile is making this plea knowingly, voluntarily and intelligently. I have the juvenile sign and date this document.
 Soy el abogado del menor de edad. He hablado de este documento y de todo documento adjunto con el menor de edad. Considero que el menor entiende este documento y el convenio declaratorio. El menor de edad hace esta confesión de manera libre, voluntaria e inteligente. Observo al menor firmar este documento y colocarle la fecha.

_____ Date: _____
 Attorney Abogado Date: Fecha

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY _____		For Official Use
IN THE INTEREST OF EN NOMBRE DE _____		Notice of Right to Seek Postdisposition Relief Notificación del Derecho de Solicitar Reparación Poscondenatoria
Juvenile Menor de edad Name Nombre _____		
Case No. Número de Caso _____		

This form does not replace the need for an interpreter, any colloquies mandated by law, or the responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations.

Este documento no sustituye el uso de un intérprete, ni los coloquios judiciales exigidos por la ley. Tampoco sustituye la responsabilidad del tribunal y de los abogados de asegurarse de que las personas cuya comprensión del idioma inglés sea limitada entiendan por completo sus derechos y obligaciones.

TO THE JUVENILE:
AL MENOR DE EDAD:

You have the right to seek relief from the judgment in this case. If you were represented by a lawyer at your disposition, it is that lawyer's responsibility to assist you in deciding whether to seek postdisposition relief.

Usted tiene el derecho de recurrir a la reparación poscondenatoria del fallo en este caso. Si un abogado le representó durante la audiencia de resolución, ese abogado tiene la responsabilidad de ayudarle a decidir si va a solicitar o no la reparación poscondenatoria.

If you decide to seek postdisposition relief, you or your lawyer must file a Notice of Intent to Seek Postdisposition Relief. The Notice of Intent must be filed in the trial court within 20 days. If you had a lawyer at your disposition, and if you give your lawyer timely notice that you have decided to seek postdisposition relief, it is your lawyer's duty to see that your Notice of Intent is properly filed in this court and served on the District Attorney.

Si usted decide recurrir a la reparación poscondenatoria, usted o su abogado deben presentar una Notificación de Intención de Recurrir a la Reparación Poscondenatoria. Esta Notificación de Intención debe presentarse ante el tribunal en un plazo de 20 días. Si usted tuvo abogado durante la audiencia de resolución y le avisa a tiempo al abogado de su intención de solicitar reparación poscondenatoria, su abogado tiene el deber de presentar la Notificación de Intención correctamente ante el tribunal y de notificar al Fiscal de Distrito.

After filing the Notice of Intent, your lawyer does not have to represent you further unless you hire him or her to do so. If you intend to seek postdisposition relief but cannot afford a lawyer, you have the right to request that a lawyer be appointed to assist you by the State Public Defender.

Después de presentar la Notificación de Intención, su abogado no está obligado a representarlo a no ser que

<https://booksunbound.wisbar.org/w/wisbar/AE0185?printMode=multiSelected#!fragment//BQCwhgziBcwMYgK4DsDWszlQewE4BUBTADwBdoBy...> 132/157

la Notificación de intención de solicitar reparación poscondenatoria debo comunicárselo a tiempo. He recibido copia de esta Notificación.

☐ I plan to seek postdisposition relief.
Deseo solicitar reparación poscondenatoria.

☐ I do not plan to seek postdisposition relief.
No deseo solicitar reparación poscondenatoria.

☐ I am undecided about seeking postdisposition relief and I know I need to decide and tell my lawyer within 20 days.
No he decidido si solicitaré reparación poscondenatoria y sé que debo decidir y comunicárselo a mi abogado en un plazo de 20 días a partir de la fecha de hoy.

Signature of Juvenile
Firma del menor de edad

Date
Fecha

ATTORNEY STATEMENT:
DECLARACIÓN DEL ABOGADO:

I have counseled the juvenile about the decision to seek postdisposition relief. I have informed the juvenile that this decision must be made and communicated to me within 20 days of disposition. I believe the juvenile understands the right to post-judgment relief and the 20 day time limit. I understand that it is my duty to file the Notice of Intent to Pursue Post-Judgment Relief on behalf of the juvenile if that intent is timely communicated to me.

He asesorado al menor de edad sobre la decisión de solicitar reparación poscondenatoria. Le he informado al menor que debe tomar una decisión y comunicármelo en un plazo de 20 días a partir de la resolución del caso. Creo que el menor de edad entiende el derecho a recurrir a la reparación poscondenatoria y el plazo de los 20 días. Entiendo que es mi deber presentar la Notificación de la intención de Recurrir a la Reparación Poscondenatoria de parte de mi cliente si se me notifica a tiempo de esa intención.

Signature of Juvenile's Attorney
Firma del abogado del menor de edad

Date
Fecha

- DISTRIBUTION:
1. Court
 2. Juvenile
 3. Juvenile's Attorney

SCR 70.155
Translation of Court Forms

70.155 Translation of court forms. (1) The records management committee, working with the director of state courts office, shall identify court forms and instructions suitable for translation into a language other than English. Translated forms adopted by the judicial members of the records management committee, on behalf of the judicial conference, shall be treated as court forms adopted under s. 758.18, stats., and SCR 70.153.

(2) Translated forms shall use a format that incorporates both English and the second language. Every question or statement requiring a response, such as a check box or signature, will provide only one

location in the English portion of the form to make that response. The answers to free-text questions must be written in English.

(3) Each translated form shall carry a notice, in both languages, that the translated form does not replace any of the following:

(a) The need for an interpreter.

(b) Any colloquies mandated by law.

(c) The responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations.

(4) Use of a translated form does not supersede the need for an interpreter for communicating with counsel, or for in-court proceedings pursuant to s. 885.38, stats. Interpreters may assist individuals in filling out forms to the extent permitted by SCR 63.07.

(5) Any translation of a form shall be accompanied by an affidavit stating that the translator knows English and the second language and that in making the translation the translator carefully translated the form from English into the other language and that the translation is true and correct.

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* This information is from the Wisconsin Courts' website: Wis. Court Sys., For Interpreters: How to Get Certified, <https://www.wicourts.gov/services/interpreter/certification.htm> (last updated Dec. 28, 2017).

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